



Government of India



Empowered Lives
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V. M. SALGAOCAR COLLEGE OF LAW.

Established In the year 1973 by Devi Sharvani Education Society with the help of a generous contribution of land and funds by its President, Late Shri V. M. Salgaocar, a philanthropist and industrialist of Goa. This was the first Law College to be set up in the state of Goa and of course for the whole of the Northern Konkan region.

The College in addition to being a recognized research centre for Ph.D. studies conducts the postgraduate LL.M. Degree Program as well as the Three Year LL.B. Degree and also the integrated Five Years LL.B. Hons Course. The College had undertaken a wide variety of research initiatives on Child Rights, Alternative Dispute Resolution, Portuguese Civil Code, Environmental Law etc., in association with agencies like the British Council, UNIFEM, Fulbright Foundation, Lisbon University, Legal Service Authority and many other NGOs. Integration of legal aid programs with the LL.B. curriculum thereby enriching the learning experience of the students has been the distinctive and distinguishing feature of the Institution. The students of the College who run 38 permanent legal aid cells situated throughout the length and breadth of Goa with the guidance and assistance of the faculty have been rendering valuable services to the community and have endured themselves to the state and the profession through their advocacy skills. The proactive approach in the teaching and learning of law have earned the Institution the unique distinction of having filed over two dozen writ petitions in the Bombay High Court, in matters of public interest. The Institution boasts of well qualified and dedicated faculty that enables the students to excel in legal education and legal aid service.

FORUM OF SOUTH ASIAN CLINICAL LAW TEACHERS

A Society registered under the Societies Registration Act in Goa. This is a Forum of law teachers from all over India under the stewardship of Prof. N. R. Madhava Menon to promote clinical legal education in India. The Forum has conducted many training of trainers programs for law teachers across India. The Forum has a continuing collaboration with many foreign universities on clinical teaching of law and conducts programs on clinical education regularly. The presidium of the Forum has well known clinicians of India as Forum members. The Forum is responsible for conducting the Regional and national level selections of International Louis M. Brown Client Counseling Competition. Prof. N. R. Madhava Menon is the President of the Forum. Dr. M. Pinheiro is the Executive Chairperson and Dr. M. R. K. Prasad is the Secretary of the Forum.

ACCESS TO JUSTICE FOR MARGINALIZED PEOPLE



A STUDY OF LAW SCHOOL BASED LEGAL SERVICE CLINICS

2011

Access to Justice for Marginalized People

**A Study of
Law School Based
Legal Services Clinics**

PUBLISHED BY GoI AND UNDP INDIA

Access to Justice Project on "Study of the Law School based Legal Service Clinics" was undertaken in seven States: Orissa, Bihar, Chhattisgarh, Jharkhand, Uttar Pradesh, Madhya Pradesh, and Rajasthan. This study assesses the state of Legal Service Clinics across Law Schools and Colleges in India, including whether they exist, the kind of activities they undertake, the frequency of such activities, the quality of the services rendered, the percentage of the student population that participates in these activities and the frequency of interaction with the community outside the college, specially the marginalized community. The study also focuses on collating national and international good practices relating to such Clinics.

MESSAGE

Imparting legal awareness is the first step towards ensuring prompt and effective access to justice. Keeping this in mind, the Bar Council of India mandated all law colleges and universities in India to establish and run legal aid centres or clinics. The idea was to fulfil certain standards of legal education, but more importantly, it was also aimed at engaging the students in serving their community by promoting legal awareness through these legal aid clinics and programmes.

Recognising the importance of involving students in providing legal services to the poor and vulnerable sections of the society, the Department of Justice and the United Nations Development Programme Project on Access to Justice for Marginalized People decided to support a study to examine the effectiveness of legal aid clinics organised by law colleges in India. Goa based V.M. Salgaocar College of Law, which had been doing significant work in spreading legal awareness through its legal aid clinics, was selected to conduct the study. The report on 'Law School Based Legal Services Clinics' presented here is a testimony of the achievements and challenges faced by colleges managing legal aid clinics, and offers valuable insights into ways of improving their services and running them successfully.

The study found that very few colleges and universities are able to conduct legal aid clinics in the most effective manner and seeks to present a realistic methodology for doing this. It presents a string of ideas for building linkages with the Legal Services Authorities, panchayats, municipalities and community based organisations for strengthening access to justice for the poor. Both National Legal Services Authority (NALSA) and the Bar Council of India, the report suggests, must formulate policies for better coordination and monitoring of legal aid clinics, so that justice sector institutions become proactive in reaching out to the marginalized people, who are not only unaware of their rights and entitlements but also deprived of the means to access justice.

The study gives an account some of the best practices seen in India and abroad. For instance, the National University of Juridical Sciences has joined hands with an NGO in Kolkata to conduct legal aid camps for prisoners in West Bengal Correctional Homes. The students of V.M. Salgaocar College of law have organised legal awareness camps and helped in filing affidavits, bail applications, appeals and public interest litigations; thus, fulfilling the growing demands of free legal assistance, which is in short supply. Off-campus legal aid clinics like the ones organised by V.M. Salgaocar College, or creating a Legal Aid Fund to service the legal aid needs of an adopted village as initiated by the Symbiosis Law School in Pune, can reach out to many more people at one time, making these ventures cost-effective and pragmatic.

A legal aid clinic, in my view, not only serves as an ideal platform to gain practical work-experience but also helps in creating a secure space for discussion and information-sharing for the purpose of promoting and protecting the rights of individuals, especially those belonging to the marginalized groups. The study that follows is a valuable resource for law schools, young lawyers, NGOs, justice sector institutions, and other government agencies alike.

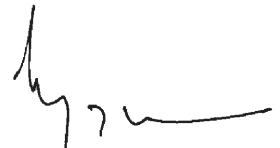
This study is the result of the efforts put together by the faculty members and students of the V.M. Salgaocar College of Law. I would like to thank them along with the Project Team of the Access to Justice Project, the United Nations Development Programme and the officers of the Department of Justice, Ministry of Law and Justice, Government of India for their participation in the project.

I hope the recommendations of the study are implemented by the relevant policy makers with a view to mainstream access to justice for the marginalized. With regular access to legal aid camps and clinics that forge alliances and empower people, we can be rest assured that justice will not be delayed or denied as long as the justice seekers are aware and informed of their rights.

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FOREWORD

The values of justice are the bedrock of legal systems and are critical to the study of law. In partnership with the Department of Justice, Government of India, the United Nations Development Programme (UNDP) supports a range of initiatives to strengthen access to justice for the poor, marginalized communities and women, religious minorities, children and people living with HIV. The interventions under the project are aimed at empowering the poor so that they are protected and enabled to use the law to advance their rights and their interests as citizens and economic actors.

Access to justice is a vital part of the UNDP mandate to reduce poverty and strengthen democratic governance. UNDP is committed to using a human rights-based approach in its programming, guided by international human rights standards and principles. Access to justice is a basic human right as well as an indispensable means to combat poverty, prevent and resolve conflicts. As UNDP Administrator Helen Clark has pointed out, "Making sure that the law works for everyone is critical for development."

Article 39A of the Constitution of India entrusts the state with the responsibility of ensuring that the legal system operates in a manner which promotes justice based on equal opportunity. Legal aid is the vehicle through which this constitutional pledge is fulfilled in both letter and spirit, and equal justice is made available to people who are most vulnerable, deprived and marginalized.

The Legal Services Authorities Act 1987 established Authorities and Committees at the National, State, District and Taluka levels across the country and also at the Supreme Court and High Court levels as nodal agencies for providing legal aid. They are supported by civil society organisations and law colleges. Since 1997, the Bar Council of India has mandated that each law school in the country teach clinical legal education (legal aid) as a compulsory course. The aim has been to equip the students with the skills necessary to provide legal support to poor communities and impart values of tolerance and respect for all human beings regardless of their sex, religion and financial status.

Involving law students in assisting the poor and vulnerable serves a dual purpose of sensitizing the young minds to the legal needs of poor people as well as disseminating legal knowledge on rights and entitlements in the communities.

In 2010, UNDP commissioned a study that recognised the growing importance of young people in nation building, aimed at understanding the ground realities and challenges of managing a law school-based legal services clinic. This is the first such comprehensive study in India on the subject. V.M. Salgaocar Law College, Goa which runs fully-functional legal aid clinics, has compiled the status of these clinics across seven states outlined by the United Nations Development Assistance Framework as priority states – Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Orissa, Rajasthan and Uttar Pradesh. The study has identified several good practices from these and other states in India and globally as well.

The findings reveal that while policy frameworks do exist, many law schools in the country require more guidance and commitment to run effective legal aid centres capable of supporting marginalised communities in accessing justice. The study recommends a range of actions for different stakeholders that are of particular relevance for law colleges that are mandated to run legal aid clinics and train their student in such a manner that they master not only the legal knowledge and skills but also are capable of ensuring that the true letter of the law is upheld – that the practice of law is consistent with the ideals of justice, equality and liberty as outlined in the Preamble to the Indian Constitution and that justice delivery services are accessible to those who need it most. The intention of the study is to provide a guiding framework and examples to law schools interested to set up legal services clinics for the most vulnerable that involve young students.

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ACKNOWLEDGEMENTS

V.M. Salgaocar College of Law and Forum of South Asian Clinical Law Teachers would like to extend their heartfelt thanks to Department of Justice, Ministry of Law and Justice, Government of India and United Nations Development Programme for supporting this study on Law School Based Legal Aid Clinics which commenced in 2010.

We are happy that this project resulted in an All India Conference of Law Colleges participating from the seven target states identified under the GoI-UNDP Project to discuss ways to step-up their contribution towards providing free legal assistance through legal aid clinics.

We are thankful to Prof. N. R. Madhava Menon for providing us with valuable insights and suggestions on how the law colleges, Bar Council of India and Government agencies must coordinate in enhancing access to justice for the disadvantaged groups. We would also like to thank Prof. (Dr.) V. B. Coutinho, Director, Directorate of Legal Education, Bar Council of India whose guidance and association with the college greatly helped in the implementation of the project. We are grateful to Mr. U. Sharathchandran, Member Secretary, National Legal Services Authority for his assurance that Legal Services Authorities all over the country would willingly associate and cooperate with the law colleges to run their legal aid clinics to reach out to the poor and needy.

The participation and support of the faculty and students from select colleges chosen as 'model institutions' deserves special mention here, for without their cooperation the findings of this study would have been incomplete.

We would like to express our gratitude to Mr. Shivanand V. Salgaocar, President of the Governing Council of the College for his constant encouragement and support. A project like this calls for team work and commitment. We are extremely grateful to the faculty team of V. M. Salgaocar College of Law who undertook this responsibility as a team and worked in coordination with the administrative staff and other members of the College, putting in extra hours of work to complete the study on time.

Last but not the least, our sincere thanks goes to the UNDP India Team and the GoI-UNDP Project Team on Access to Justice for Marginalized People for taking extraordinary pains to help the research team achieve its goals and offer valuable guidance to strengthen the study.

The project team would like to thank everyone, though not specifically mentioned here, for extending countless hours of help and support during the project.

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ABBREVIATIONS AND ACRONYMS

1.	AALS	Association of American Law Schools (AALS)
2.	ABA	American Bar Association
3.	ADR	Alternative Dispute Resolution
4.	AIR	All India Reporter
5.	BABSEA	Bridges Across Borders Southeast Asia
6.	BCI	Bar Council of India
7.	CEC	Community Enterprise Clinic
8.	CLRDC	Community Law and Rural Development Centre
9.	DLSA	District Legal Services Authority
10.	GOI	Government of India
11.	IRRD	Institute of Rural Research Development
12.	KLC	Kingsford Legal Centre
13.	LAC	Legal Aid Cell
14.	LSA	Legal Services Authority
15.	NGO	Non Governmental Organization
16.	NHRC	National Human Right Commission
17.	NKC	National Knowledge Commission
18.	NLSA	National Legal Services Authority
19.	NLUO	National Law University Orissa
20.	NUJS	National University of Juridical Sciences
21.	NULAI	Network of University Legal Aid Institutions
22.	PIL	Public Interest Litigation
23.	PILI	Public Interest Law Institute (PILI)
24.	RTI	Right to Information
25.	SC	Supreme Court
26.	SCC	Supreme Court Cases
27.	SLS	Symbiosis Law School
28.	TOT	Training of Trainers
29.	UB	University of Baltimore
30.	UGC	University Grants Commission
31.	UNDP	United Nations Development Fund
32.	UNLC	University of Newcastle Legal Centre
33.	USA	United States of America

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EXECUTIVE SUMMARY

The principle of rule of law and the philosophy of the Indian constitution in what is described as its basic structure mandates that every citizen should have reasonable access to justice. Yet this constitutional guarantee is a luxury for many facing problems of poverty, economic deprivation and want of education.

A project therefore, was orchestrated to determine and propose the role that law schools could play in mitigating the prevailing injustices, official apathy and raising the competence bar of the budding professionals and also upgrading the general level of legal awareness of the community.

1. Purpose of the Study

The legal profession is expected to play a dynamic role in the administration of justice. Law Schools being the recruiting grounds for the legal profession, there is a need to inject new spirit into the content of legal education to make lawyers and legal professionals socially relevant and professionally competent to secure the constitutional mandate of access to justice.

However, the question of improving legal education by involving law students in the delivery of legal services, particularly to indigent and weaker sections in society, did not occur to or find favour with educational reformers for a long time. Similar failure appears to have been shown by the Legal Aid Authorities, who failed to recognize the potential of using legal educational institutions and students to reach the benefits of law to the poor, thereby aiding social justice and progress.

With the Bar Council of India (BCI) in 1997 making Legal Aid a compulsory practical paper to be taught in the Law Colleges all over India, Legal Aid to the poor got a new lease of life. Even though more than a decade has passed since the formal introduction of Legal Aid in Law School curricula in India, there is no comprehensive study examining the functioning of Law School based Legal Aid in India.

With this backdrop, the Access to Justice Project on "Study of the Law School based Legal Service Clinics" was undertaken in seven States: Orissa, Bihar, Chhattisgarh, Jharkhand, Uttar Pradesh, Madhya Pradesh, and Rajasthan. The study was intended to understand the functioning of legal aid cells established in these states by the law colleges and suggests ways and means to improve their functioning to act as effective instruments of access to justice.

This study assesses the state of Legal Service Clinics across Law Schools and Colleges in India, including whether they exist, the kind of activities they undertake, the frequency of such activities, the quality of the services rendered, the percentage of the student population that participates in these activities and the frequency of interaction with the community outside the college, specially the marginalized community. The study also focuses on collating national and international good practices relating to such Clinics.

2. Methodology

This study undertook a preliminary assessment to identify the representative sample in the project States. Further, certain information has been obtained by telephonic interviews from the Law Schools that have not responded to the preliminary questionnaire.

Based on these primary criteria and preliminary assessment there on, the researcher selected 39 Law School Clinics in seven States for the study. After due correspondence and communication a research team personally visited all the selected colleges and collected the necessary information. The information so gathered formed the basis of the findings of the study.

Simultaneously and concurrently, in order to suggest a viable and implementable system of legal aid clinics, the project also involved the study of seven institutions in other parts of India who have to their credit considerable legal aid based activities. Similarly twelve foreign law schools, four in USA, two in Australia and six in South Africa who have considerable experience in legal aid related activities were also studied. These model institutions were studied in order to suggest workable schemes or methods of conducting legal aid by law colleges in India.

3. Findings

It is found that nearly 82% of the colleges have designated faculty to conduct legal aid activity. But only a minuscule of them provides the facility of academic credit to the faculty in terms of workload/lecture hours and for the students in terms of grades or marks. This has considerably reduced the enthusiasm in the conductance of legal aid activity and many often consider them burdensome or additional work in the process the cause of legal aid is substantially dampened.

It is also found that the law colleges have spared very little effort in informing the community about their existence and availability of services. This wide gap has indeed substantially reduced the impact of free legal service by the law colleges.

In the area of legal representation, the records are dismal mainly because the law students or the faculty are not allowed to represent the clients in the court of law. Even in the area of providing legal advice or participation in client interviewing, the performance of the colleges -is much below the desired levels. Similar trends continued even in offering paralegal services and law reform.

One area in which majority of the colleges involved is conducting legal literacy programmes. However, the methods of conducting legal aid awareness programme is also not found to be very appropriate to the occasion as it mostly is limited to 'public talk' by some lawyer or the other with limited or no follow up services.

In the area of collaborations as well, the performance is not satisfactory. A few have been collaborating with the NGOs and others with the local government and local authorities like the Panchayats and Municipalities. In the area of promotion of Alternate Dispute Resolution (ADR) and law reform activity, it is noticed that most of these colleges are ill equipped due to lack of adequate knowledge, absence and dearth of trained faculty, non -availability of information, and of course the overall absence of initiative and enthusiasm.

The selected colleges were also asked to identify in the order of priority, the specific reasons for their inability to act effectively and they are:

1. Lack of financial support
2. Restriction on faculty to practice
3. Absence of academic credit for students
4. Legal aid not being part of the work load for faculty
5. Lack of involvement of the bar
6. Lack of infrastructural facilities
7. Lack of involvement of judiciary
8. Restriction on students
9. No training of faculty
10. Lack of directive from BCI
11. Absence of designated full time faculty
12. Poor student quality
13. Lack of trained faculty
14. Part time students

Above are indeed the areas in which the Government of India and other regulatory authorities like the Bar council of India, State governments and the affiliating university needs to focus their attention in order to ensure that not only that the quality of legal education maintained but also the nation's concern of access to justice is fulfilled.

4. Best Practices in India

The seven law schools selected for studying best practices engaged in variety of legal aid activities. A closer look at the programs undertaken by the seven colleges reveals that V.M. Salgaocar College and Jindal Law School are focused on Rural Good Governance as their primary focus through Legal Aid Cells. Symbiosis Law School has a unique program of providing Legal Aid by creating Legal Aid Fund and dedicating few lawyers to an adopted village. NUJS, West Bengal (which NUJS?) has several initiations in association with NGOs. Of late, National Law School, Bangalore seems to have lost its core Legal Aid programs. Indian Law Society, Pune had both in house and off campus Clinics. Students of JSS Law College, Mysore do a lot of legal literacy on their own initiation.

Other initiations by these colleges such as Para-legal services, public surveys, community empowerment programs, implementation of Social Welfare Programs, Prison Clinics and Consumer Clinics have the potential of providing access to justice and could be replicated in different parts of the country.



The research team at a collage in Orissa.

5. Best Practices Foreign Law Schools

The Clinical programs in the selected foreign counties are way ahead compared to the programs in India. In most of these Clinics, Legal Aid is provided by the students with the help of trained practicing lawyers. Most of the Law Schools have dedicated faculty for Clinical programs. Most of the Clinics provide academic credit to the students involved in Clinical programs. There seems to be seriousness in offering quality Legal Aid to the marginalized section of the people.

Though clinical programs focusing on Legal Aid to the poor started in USA and India during 1960's, the Clinical programs in USA is way ahead compared to the programs in India. Initially the Clinical Programs in USA received Federal Grant and today most of the Law Schools in USA have well-developed and institutionalized Clinics offering several legal services to the community. Similar findings emerged from other countries. In most of the countries, Legal Aid is provided by the Law Schools Clinics with the help of trained practicing lawyers. Most of the Law Schools have dedicated faculty for Clinical Programs.

Several initiations undertaken by these Clinics could be a role model for Indian Law Schools. Particularly, Street Law Programs and Community Clinics undertaken by Law Schools in USA and South Africa have a great potential in India.

6. Suggestions and Recommendations

Legal Aid Clinics, unlike other initiatives, require modest financial investment to start with. They can be quickly assimilated into most Law Colleges as there is a mandatory requirement of BCI that each College shall have one Clinic in the College. A venture of this sort in bringing about access to justice requires the Law Colleges as well as the regulatory authorities including the Government of India, need to reframe and adopt a system of collaborative venture and sharing of responsibilities.

a. Policy Recommendations for Law Colleges

Law Colleges can establish either 'On-Campus' or 'Off –Campus' Clinics. For effective functioning, Clinics need a proper structure. Timing of the Clinic needs to be identified and such timing must be constant for the Clinic. In case of On-campus Clinics, the timing needs to be either before or after the class timings to ensure the attendance of the students. The days of the week when the Clinic would be functioning, should also be determined.

Clinics need to have focus areas and should understand their limitations as well. Particularly the On-campus Clinics need to decide the types of services they can offer depending upon their resources. A well-directed advertising must be carried out before establishing the Clinic. Once the focus of the Clinic is decided, then the faculty needs to identify educational objectives and the utility of the services to the community. Faculty is required to select carefully the learning experiences that are likely to be useful in attaining those objectives. The course content, guidelines regarding supervision and assessment need to be taken care of.

Financial aid is one of the fundamental problems faced by most of the Legal Aid Clinics. Therefore, the faculty and students should identify the possible donors and each college should have a Finance Committee for preparing budgetary allocation for the Legal Aid activities.

Linkages can be developed with Legal Services Authority, Youth organizations, Clubs, NGOs, Government authorities, Local Government bodies and religious institutions. Networking among the Law School Clinics is another aspect for strengthening the Legal Aid services by the Clinics. While deciding to start a Clinic whether it be, On-campus or Off-campus Clinic, the focus of the Clinic should be need based.

b. Policy Recommendations for Bar Council of India (BCI)

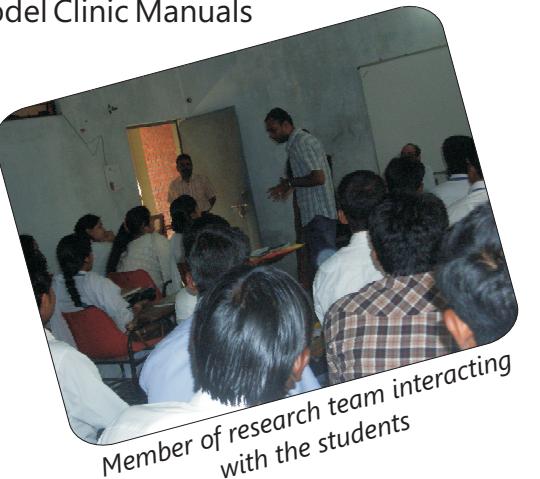
BCI being the primary controlling body of legal education, it should take lead in developing new teaching methodology and training manuals. In the year 2008, the BCI issued rules on "Standards of Legal Education and Recognition of Degrees in Law" which prescribe Legal Aid Clinic as a mandatory requirement for recognition of the Law Colleges. Therefore, the BCI needs to frame a policy on Legal Aid Clinics in Law Colleges. Such a policy must incorporate the following:

- At least one designated faculty as Clinical teacher for the Clinic
- Minimum amount needs to be allotted for the Clinic by College
- Mandatory requirement of Clinical teacher to participate in training programs at least one in three years
- Identification of model Law School Clinics and prescribing exchange programs between Clinical faculty
- Establish training centers in five regions of the country
- Appoint a Committee consisting expert Clinicians to prepare model Clinic Manuals
- Generate training manuals and legal database about the Clinics
- Bring a journal on Clinical Legal Education
- Accreditation of Clinics by BCI
- Support good practices financially
- Appeal to law firms for financial support to Clinical activities
- Create an award for best Law School based Clinical activity

c. Policy Recommendations for Government of India

Government of India could direct the Legal Service Authorities to collaborate and function with the Law Colleges on a one to one basis and ensure that there is a system of financial support and funding of activities of Law School Clinics.

A system of reward and recognition of the services of those who do pro bono work and are willing to help the indigent and the needy to secure justice should be introduced. For all promotions, nominations and appointments in administration of justice, greater credit should be given to those socially sensitive personnel who have and are willing to render pro bono service and have associated with the Legal Aid Clinics in their activities in various capacities. There is a need to build up a system of



credit to those who deserve and have contributed substantially towards providing access to justice to the un-reached citizens of the country.

The Government could think of a system of 'Contributory Legal Insurance' to be set up in every village or Panchayat, with every member of the village enrolling herself/himself as a member of the Scheme. The Government of India should implement the recommendations of National Knowledge Commission, particularly on modernizing Clinical courses and establishing four autonomous Centers for Advanced Legal Studies and Research.

For effective functioning of Legal Services Authorities, the administration of Legal Aid programs should be best left to an independent member appointed fulltime. This suggestion also finds favour in the fact that most of the judges are unaware of the socio-legal needs of the community. Therefore, persons who are having experience at the grass-root level should be appointed to administer the activities.

As many of the categories mentioned in Sec.12 of the Legal Service Authority Act, 1987 are too broad, it is suggested that this section may be suitably amended to include economic criteria for eligibility for free Legal Aid and the same standard of elimination of creamy layer may be used for such purpose. Government may also bring suitable amendments to Advocates Act, 1961 to enable the students of final year LL.B. and the faculty to represent the clients before the Court of Law. Specific directives should come from the Government to its departments, especially the Rural Development and Social Welfare Departments to have collaborations with Law School Clinics for implementation of various poverty alleviation schemes.

d. Policy Recommendations for National Legal Services Authority (NALSA)

NALSA should frame a policy on collaboration, budgeting and monitoring Law School Clinics. Initially, few potential law schools can be identified state wise and implement the policy so framed. Law schools having a better reach to the community, designing and selecting the topic and the place for Legal Literacy Camps must be left to the school. NALSA could give direction to all State Legal Services Authorities to use final year students in providing Legal Aid to the prisoners. Students can be grouped with the Legal Aid lawyer and organize a visit to the prisons, lock ups and other correctional homes.

NALSA must involve the clinical faculty and students in policy making particularly when it involves matters other than representation in Courts. Para legal training could be entrusted to the identified Clinical faculty rather than left to the NALSA. Proper planning in identification of paralegals is required. Training the Trainers Program should focus on the potential trainer in a scientific manner rather than just condition who ever attends. For example in the Para Legal Training introduced by the NALSA, several advocates are enrolled. When they are already advocates there is no point in enrolling them as paralegals. Legal Aid must be an aid to the poor and not to the lawyers.

NALSA should form a Committee for implementing legal literacy and such a Committee must consist of faculty, students and other stake holders. NALSA should also take the help of Clinical faculty who has been working with Legal Aid Clinics. The Clinical faculty could be appointed in LSA on deputation, to oversee Legal Aid activities of the Law School based Clinics. Students must be encouraged to do

internship with the LSA. NALSA must encourage research in the matters of Legal Aid and its delivery. NALSA could direct the SLSA to have mandatory collaborations with the Law Schools after identifying the potential Law Schools for its activities and should conduct periodical meetings with the faculty and students.

e. Linkage and Networking

Networking is required for exchange of information or services among individuals, groups, or institutions for improvement and learning from others experiences. Networking and linkages between all stakeholders is a condition precedent for effective legal services.



The team visiting a village with the members of the faculty.

7. Future Plans

Merely identifying the status and problems of the Clinics in the seven States would serve no purposeunless a follow up program is undertaken to strengthen the Legal Aid Clinics. Therefore, there is a need for continuing this initiative in the following ways:

1. Faculty designated for Legal Aid need training and the students need to be trained in several skills that are required for organizing legal aid activities. Hence, a Training of Trainers Program (TOT) needs to be organized in each State. These programs need to be designed and conducted by expert faculty in Clinical Methodology. A nodal agency which is actually involved in Legal Aid may be identified for conducting training programs for the faculty of Law Schools in the project States.
2. Identifying five potential Law Schools from each State to strengthen their Clinics. Total 35 faculties from the identified Law Schools from seven States should be trained in Legal Aid. Two week intensive training program should be conducted to train these faculty members. These trained faculty members would strengthen the Clinics in their respective Colleges. Within a year, 35 Clinics in seven States would be functional.
3. This activity may be continued for five years and within five years there would be at least 25 Law Schools in each State with fully functional Clinics. The nodal agency would be monitoring the progress of the Clinics. A quarterly newsletter showcasing the activities carried by the selected Law School Clinics could be brought out.
4. A proper networking would be developed among these Clinics and at the end of the year a Conference on Legal Aid Clinics should be organized. The purpose of this Conference would be to involve students and faculty with other stake holders on a single platform to share the experiences and best practices among the Law Schools.
5. Identifying expert Clinical faculty to prepare Training Manuals on activities of Legal Aid.
6. Continue the same initiation in all other States.
7. Create a website for sharing the concerns and experiences.

CHAPTER - I

1. Introduction

The principle of rule of law and the philosophy of the Indian constitution in what is described as its basic structure mandates that every citizen should have reasonable access to justice. Yet this constitutional guarantee is a luxury for many facing with problems of poverty, economic deprivation and want of education



The research team with the faculty

The expected role of the legal profession, the legislative process and the administration of justice to transform the constitutional ideology of access to justice in to reality calls for competent and affordable legal services. The call for such a dynamic role which they are unable to respond to has therefore resulted in the major slice of this responsibility falling on the law colleges as essentially, the starting point of the legal profession is the place for acquiring legal education. A responsible and dedicated system of legal education which is appropriately socially context-ed would produce competent and socially relevant professionals – a task which the law colleges have not been fulfilling till date though there are evidences of isolated attempts by some law schools but as yet continuity and organizational commitment are not of the desired levels.

Echoing the similar sentiments the Supreme Court opined that "[i]n order to enable the State to afford free legal aid and guarantee speedy trials, a vast number of persons trained in law are essential. Legal aid is required in many forms and at various stages for obtaining guidance, for resolving disputes in Courts, tribunals or other authorities... Legal education should be able to meet the ever growing demands of the society and should be thoroughly equipped to cater to the complexities of the different situation..."¹



Participants registering at the National conference.

Therefore the positive and relevant role that law schools could play in the field of access to justice is an ever expanding canvas whose boundaries though not defined has its midrib running through the areas of poverty, lack of awareness and the existence of many incompetent and ill trained lawyers who have become more or less parasites on the society rather than being saviours of the needy and harbingers of justice to people.

¹. *State of Maharashtra v. Manubhai Pragaji Vash*, AIR. 1996 SC 1.

The project therefore, was orchestrated to determine and propose the role that law schools could play in mitigating the prevailing injustices, official apathy and raising the competence bar of the budding professionals and also upgrading the general level of legal awareness of the community.

1.2. Purpose of the Study

With the adoption of the Constitution in 1949, the 'rule of law' became the basic component of the Indian democracy. When India became free with a large number of its citizens being poor and illiterate, the immediate concern was to minimize inequalities and provide basic amenities to millions of people. With the adoption of a democratic form of government, the legal profession was expected to bring the legal system in tune with social, economic and political desires of the country.

The essence of free India was well summed up in Art.14 of the Indian Constitution which entitles every person, equal protection of law to guarantee the enjoyment of justice, liberty, equality and fraternity; the four paramount aspirations of the Constitution. Judicial trends in interpreting the Constitution particularly from Maneka Gandhi case,² made 'due process' of law a cornerstone of constitutional ideology in post independent India. With judicial activism, 'access to justice' became part of 'due process' and law came to be viewed as an instrument to bring progressive changes in the society.

The transformation of State concepts from 'police State' to 'welfare State' has triggered the growth of the concept of equal access to justice. State effort to secure access to justice involves two things:

1. Every citizen is able to redress his legal problem by using legal process
2. Every citizen should get equal treatment from the legal system.

To secure both the things, mere guaranteeing of Right to Equality under Art 14 of the Constitution is not enough. Providing free Legal Aid has become the legal obligation of the State either by judicial interpretation or by express statutory provision. Meanwhile, proliferation of laws in modern society requires legal professionals to play multiple roles in dispute resolutions. These roles require different skills. Globalization has in fact expedited the need for these requirements.

Law and justice can no longer remain distant neighbours. To achieve the constitutional goal of access to justice, legal system should ensure moderate Court fee, as well as affordable, competent and socially relevant lawyers. Further, Courts with humanistic approach are necessary to narrow the distance between law and justice.

2. Narrow interpretation of the term "personal liberty" in A.K.Gopalan case was overruled by the Supreme Court in this case and it expanded the horizons of the expression "personal liberty". Supreme Court equated the expression of "procedure established by law" in Art.21 with the expression of "due process of law" given under USA Constitution. See AIR 1978 Sc597.

Poverty being the root cause of many evils in the society, the biggest challenge to the legal profession in India is of providing constitutional mandate of access to justice to the poor. In the costly adversarial legal system, access to justice is a luxury to the people living below poverty line. The enactment of the Legal Services Authorities Act in 1987 has entitled more than 60% of the Indian population to free Legal Aid. With such a huge number of claimants it is highly impossible for the State to offer quality free Legal Aid.³

In this scenario, the legal profession which is the custodian of providing justice is expected to play a dynamic role. Law Schools being the recruit grounds for legal profession, there was a need felt to inject new spirit into the content of legal education to make lawyers and legal professionals socially relevant and professionally competent to secure the constitutional mandate of access to justice.

Further, three important Committees on Legal Aid, stressed the need of involvement of Law Schools' Legal Aid Clinics in offering free Legal Aid. Report of Expert Committee on Legal Aid: Processual Justice to the People (1973), Report on National Juridicare: Equal Justice – Social Justice(1977), and Report of the Committee for Implementing Legal Aid Schemes (1981) advocated for creating networks of Legal Aid groups in various places such as Court houses, Bar Associations, Law Colleges, community organizations, private and public agencies, and organs of Local Government.

They opined that the student exposure to real legal problems has a mutual benefit to students, to the Legal Aid Schemes and to the legal system as a whole and made the following observations;

- Law students can extend Legal Aid to remote villages.
- Students can provide Legal Aid and advice at a much lower cost.
- Legal Aid Cells are an excellent means of teaching professional responsibility.
- Legal Aid Cells provide an ideal platform for students to learn practical skills.
- Legal Aid Clinics are effective instruments for community education and preventive legal services programs.
- Involving Law Colleges also improves the value and reputation of the legal profession.
- There is no substitute for learning while doing.
- If the enthusiasm and zeal in the law students is properly channelized, law colleges can meet the demands of modern society and in fact help to transform the society and reach desirable goals.

3. Section 12 of the Act entitles a person to legal services if that person is a women, child, member of Scheduled Caste, Schedule Tribe, victim of trafficking, Industrial Workmen, persons in custody or victims of disasters etc.

These reports rightly focused on law colleges in urging them to establish Legal Aid Clinics. The report strongly suggested that the establishment of Legal Aid Clinics in Law Colleges should be absolutely compulsory for imparting Clinical legal education to the law students and to make available legal services to the poor. Further, setting up of Legal Aid Clinics in the Universities and Law Schools would help in utilizing the untapped resources of the student community in constructive channels for providing aid to the poor.

However, the question of improving legal education by involving law students in the delivery of legal services, particularly to indigent and weaker sections in society, did not occur to or find favour with educational reformers for a long time.⁴ Similar failure appears to have been shown by the Legal Aid Authorities, who failed to recognize the potential of using legal educational institutions and students to reach the benefits of law to the poor, thereby aiding social justice and progress.⁵

With the Bar Council of India in 1997 making Legal Aid a compulsory practical paper to be taught in the Law Colleges all over India, Legal Aid to the poor got a new lease of life. More than a decade has passed since formal introduction of Legal Aid in Law School curricula in India. It is essential to ensure that the implementation of an idea is so done as to achieve its objectives; else all action thereon could be futile. There is no comprehensive study examining the functioning of Law School based Legal Aid in India.

With this backdrop the Access to Justice Project on "Study of the Law School based Legal Service Clinics" was undertaken in seven States viz Orissa, Bihar, Chhattisgarh, Jharkhand, Uttar Pradesh, Madhya Pradesh, Rajasthan. The study was intended to understand the functioning of legal aid cells established in these states by the law colleges and suggest ways and means to improve their functioning to act as effective instruments of access to justice.



⁴. See, MADHAVAMENON, N.R., *LEGAL AID AND LEGAL EDUCATION: A CHALLENGE AND AN OPPORTUNITY*, 25 (University of Delhi, New Delhi, 1986)

⁵. See, *Ibid.*

CHAPTER - II

2. Research Design and Methodology

2.1. Scope of the Study

The study assesses the state of Legal Service Clinics across Law Schools and Colleges in India, including whether they exist, the kind of activities they undertake, the frequency of such activities, the quality of the services rendered, the percentage of the student population that participates in these activities and the frequency of interaction with the community outside the college, specially the marginalized community.

The study also focuses on collating national and international good practices relating to such Clinics. After conducting the research the study would make recommendations on;

1. Cost-effective methods to establish and/or strengthen these Clinics in all the Law Schools across the country
2. Ways to involve law students in rendering legal services to the people belonging to the marginalized communities
3. Mechanisms to develop linkages between these Clinics and the Legal Services Authorities.
4. Providing training facilities to the faculty and the students in offering Legal Aid.
5. Identifying the shortcomings of the present legal services and addressing these shortcomings.
6. Developing network among the Law School based Legal Aid Clinics for sharing best practices and improving the quality in Legal Aid services.
7. Policy on Law School based Legal Aid Clinics.

2.1.1. Project States and Law Schools

For the purpose of this study the above mentioned seven States were selected. The scheme of the study has been:

- a. Study of the Law School based Legal Service Clinics with a sample of 5 Law College/Schools in each of the 7 project States.
- b. Study of the best practices in Law School based Legal Service Clinics of 5 Law College/schools in other parts of the country
- c. Study of the best practices in Law School based Legal Service Clinics in USA, Australia, UK and other countries
- d. Organising a Conference/Workshop for qualitative understanding of the Clinical legal education system and suggesting changes at the policy and practical level.



2.1.2. Project States and Law Schools: Methodology for selecting law school/college

Based on the preliminary information gathered from the Colleges through a structured questionnaire and through telephonic communication, law colleges were short listed based on the structure of the Legal Aid Cell and its activities. From the shortlisted Colleges, 5 Colleges from each State were selected at random. However, in Jharkhand, Chhattisgarh and Bihar the number being less, all the Colleges having Legal Aid Cells were selected. The following table shows list of law schools selected for the study State wise.⁶

1. State Name: Orissa

Sr. No College Name

- 1 KIIT School of Law
- 2 Dinabandhu Sahu Law College
- 3 Rourkela Law College
- 4 National Law University
- 5 Utkal University Law College



Inaugural of legal aid exhibition by Prof. Nomita Aggarwal.

2. State Name: Uttar Pradesh

Sr. No College Name

- 1 Bundelkhand Vidhi Mahavidyalaya
- 2 Dewan Law College
- 3 St. Andrews College,
- 4 Shriji Institute of Legal Vocational Education & Research (Silver Law College)
- 5 Hakeem Mehtabuddin Hasim College of Law
- 6 Lucknow University
- 7 Krishna College of Law
- 8 Sardar Patel Subhrati Institute
- 9 Banaras Hindu University
- 10 Ram Manohar Lohia National Law School



UNDP representatives interacting with students.

⁶ Address are given in Annexure - I

3. State Name: Jharkhand

Sr. No. College Name

- 1 Jamshedpur Law College
- 2 Chota Nagpur Law College



View of the exhibition.

4. State Name: Chhattisgarh

Sr.No. College Name

- 1 Jyothi Bhushan Prathap Singh Law College
- 2 Department of Law, MATS University
- 3 D.P Vipra Law College
- 4 Hidayatullah National Law University



Exhibition in progress

5. State Name: Bihar

Sr.No. College Name

- 1 Faculty of Law, Campus- College of Commerce
- 2 SKJ Law College
- 3 Patna Law College
- 4 Raghunath Pandey Memorial Law College
- 5 Chanakaya National Law School
- 6 Bihar Institute of Law*

*This college was not originally selected for the project, but the team visited the college as it is in the same town of Patna.

6. State Name: Rajasthan

Sr.No. College Name

- 1 University College of Law, Udaipur
- 2 Shri Krishna Academy of Legal Education
- 3 Rajdhani Law College
- 4 Tagore Public Law College
- 5 S.G. N Khalsa Law PG College
- 6 Seth G. L. Behani S.D Law (P.G) College
- 7 National Law University

7. State name: Madhya Pradesh

Sr. No. College Name

- 1 Sanskar Law College
- 2 Jawaharlal Nehru P.G. Law College
- 3 Maharani Laxmibai College of ExCellence
- 4 MadhaVidhi Mahavidyalaya
- 5 National Law Institute University
- 6 Rajeev Gandhi College



2.1.2. Model Law Schools in India

As a part of the study of best practices across India, the initial plan was to study only five Law Schools. However, total seven Law Schools were finally selected. Names of the seven Law Schools were given below:

1. National University of Juridical Sciences, Kolkata, West Bengal.
2. Law, Policy and Governance initiative by Institute of Rural Research Development, Gurgaon in association with Jindal Global Law School, Haryana.
3. National Law School of India, Bangalore.
4. Symbiosis Law School, Pune.
5. ILS Law College, Pune.
6. JSS Law College, Mysore, Karnataka
7. V.M. Salgaocar College of Law, Panaji, Goa.

2.1.3. Model Foreign Law Schools

For the purpose of studying best practices in foreign countries, 12 schools were selected from USA, Australia and South Africa. Names of the Law Schools selected for the study are given below;

1. Columbia Law School, New York, USA.
2. UB Law School Baltimore, USA.
3. Vanderbilt Law School, USA.
4. George Town Law School, Washington, USA.
5. Kingsford Legal Centre (KLC): University of New South Wales, Australia



A workshop sessions on at the conference

6. The University of Newcastle, Australia.

7. Oliver Schreiner School of Law, Universities of the Witwatersrand, South Africa
8. University of Western Cape, Faculty of Law, South Africa
9. University of Pretoria Law Clinic, South Africa
10. University of KwaZulu-Natal, South Africa
11. University of Rhodes, South Africa
12. University of Pittsburgh School of Law, Pittsburgh

2.2. Methodology:

For the purpose of the study the data was collected at two stages. In the first stage it was planned to collect preliminary data about all the Colleges in seven States by posting a structured questionnaire. For this purpose the Bar Council of India's help was sought to get the addresses and the phone numbers of the all the colleges in seven States. Accordingly the Bar Council of India was approached and it was kind enough to send the required data in the month of December. A structured questionnaire was sent to all the colleges by post.⁷ To secure the preliminary data letters were sent to the concerned State Bar Councils and State Legal Services Authorities requesting them to direct the Law Colleges to fill the questionnaire and post it to us. However, due to the poor response to the same, 5 Research Assistants were appointed to telephonically contact all the Law Colleges in each State to collect the information. With all these efforts, preliminary data of 134 Colleges was collected.

Based on the preliminary data, colleges having Legal Aid Clinics were short listed. After short listing the Colleges, five colleges from each State were selected by random sampling. However, in Jharkhand, Chhattisgarh and Bihar the number being less, all the colleges having Legal Aid Cells were selected. Further, the research team felt that there is a need to include all the National Law Schools for this study, they being labelled as the premier institutions in India. As two or three of the 7 project States have less than 5 Colleges, the research team felt that visiting few more colleges within the vicinity of the randomly selected 5 law colleges would strengthen the study.

However, care has been taken to select the college having Legal Aid Cells and also *prima facie* involvement in Legal Aid activities in case of the additional colleges for the study. As a result, total 39 Colleges were selected from seven States for in depth study.⁸

7. Total 434 Law Colleges in Seven States

8. Actually 39 Colleges were selected for the study, however the visiting team also visited Bihar Institute of Law as it is nearby in Patna. Therefore, the number of Colleges visited for the study is 40. However, two Colleges National Law University Bhopal and Madhav Mahavidyalaya Gwalior did not submitted the filled questionnaires, hence the study is based on 38 Colleges.

This study employs a combination of qualitative and quantitative methodology. The qualitative approach examines the supra-level law and policy instruments on Legal Aid and access to justice, their fundamental basis, legal and otherwise, as well as the different implementation mechanisms and frameworks in institutions offering legal education.

The quantitative approach in this thesis primarily has enabled the gathering and assimilation of data through various methods in order to present evidence based conclusions in the study. Thereafter, in the event of finding lacunae in the implementation mechanisms and framework for Law School based Legal Aid Clinics; the study adopts a prescriptive approach, prescribing a set of draft guidelines that could possibly be adopted for institutionalizing Legal Aid Clinics and strengthening them in providing access to justice.

The doctrinal propositions in this study finds basis in the Constitution of India, 1950 and judicial enumeration of components of Fundamental Rights and Directive Principles of State Policy there under;⁹ Legal Services Authorities Act, 1987;¹⁰ Civil Procedure Code, 1908;¹¹ Criminal Procedure Code, 1973;¹² Advocates Act, 1961;¹³ Reports of Committees constituted by the Government of India and other agencies, Law Commission, and Bar Council of India.

The empirical analysis in the study involved different analytical research methods including number of structured questionnaires, interviews, collection and analysis of data to assist in the determination of status of various issues identified in the study and the solutions thereto.¹⁴

The empirical analysis has two distinct objectives and thus two major components. The first objective is to examine the status of Legal Aid activities by Law Schools in the seven project States. The second objective is to examine the strengths, weaknesses and potential of Law School Clinics in providing access to justice.

⁹. See, Preamble, Part III and IV of the Constitution of India.

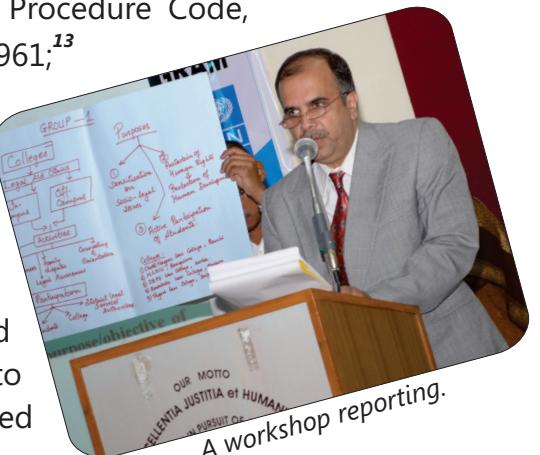
¹⁰. See, particularly Section 4 (e), Section 7 (C), 10, 11(b), 12 and Chapter VIA of Legal Services Authorities Act, 1987.

¹¹. Order XXXIII of the Code of Civil Procedure, 1908

¹². Section 304 of Criminal Procedure Code, 1973

¹³. Section 9A of Advocates Act, 1961 and Section VI, Rule 46 of the Bar Council of India Training Rules, 1995

¹⁴. Questionnaire was given in Annexure – II.



A workshop reporting.

However, in view of the constraints of time as well as human and material resources, it would not be possible to undertake an effective study of all the States on the issues presented for empirical analysis herein.¹⁵ Thus, the research adopts a sample study approach for undertaking the various surveys on the basis of which conclusions have been drawn.

A preliminary assessment was undertaken by the researcher to identify the representative sample in the project States. Further, certain information has been obtained by telephonic interviews from the Law Schools that have not responded to the preliminary questionnaire. One of the very important considerations within this was the possibility of conducting effective research to obtain meaningful empirical data to assist in achieving the objectives of this study.

Based on these primary criteria and preliminary assessment there on, the researcher selected 39 Law School Clinics in seven States for the study. Based on the preliminary findings coupled with the researcher's personal knowledge of the functioning of the institutions in the field of Clinical Legal Education for the last 10 years, a questionnaire was prepared and circulated to all the selected Law Schools for further in depth study.

2.3. Limitations

It is quite but possible that the opinions expressed by the people of each category may suffer from bias arising out of personal and professional compulsions and the social circumstances. The sample selected would not necessarily represent the actual situation in the project States. Further, the sample selected is small in size as the time limit of the project is very short. After collecting the preliminary data, the researchers had short listed the Law Colleges based on the structure of the Legal Aid Cell and its activities. After short-listing the Colleges, the sample was selected at random. Therefore, the sample selected for the study may not reflect the actual situation. In fact the actual situation in these seven States could be worst as these sample Colleges are shortlisted on their better performance.

Further, some of the questions contain four to five variables which make the task of tabulation and analysis more complex. Even the data collected from a sample needs to be tested to see whether the findings hold good for the larger population. However to obtain the desired level of objectivity, particular care was taken in collecting the data. The data was collected with utmost honesty and sincerity. In spite of all these precautions there is a possibility that certain conclusions drawn on the basis of data may not fit into the whole of reality. This is more so due to the fact that the quality of the data depends on the understanding of the concept of Legal Aid by the respondent Colleges.

¹⁵. There are total 434 Law Colleges in Seven states and the number being very big it is physically not possible to send teams to visit each and every Law College. Further, the study must be completed within six months period.

CHAPTER – III

3. Empirical Investigation into the status of Legal Aid by Law School based Legal Aid Clinics and Best Practices.

3.1. The Approach towards Legal Aid

Local needs and the material as well as human resources that are available to the Law Colleges, necessitated the adoption of different methods in offering Legal Aid. These differences vary in several respects such as time frame, using part-time and full time teachers, specially designated teachers, time length of offering the papers, evaluation methods, and the credit in final results.

Though different methods were used by the Law Colleges in offering Legal Aid, there is a considerable uniformity among the Law Schools within the University region. This trend is due to the University to which Law Colleges are affiliated, which would not only prescribe curricula but also the manner in which the papers should be taught and evaluated.

Table 1 Courses offered by Law Schools State wise

State	3 years	5 years	Both	Total
Jharkhand	2	0	0	2
Bihar	3	1	2	6
Orissa	2	2	1	5
Rajasthan	5	1	1	7
Chhattisgarh	2	1	1	4
Uttar Pradesh	5	2	3	10
Madhya Pradesh	1	0	3	4
TOTAL	20	7	11	38

The above table shows that out 38 Law Schools, 20 Law Schools are exclusively offering 3 years course whereas only 7 Law Schools are offering exclusively 5 years course and 11 are offering both the courses.

Table 2 Designated Faculty State wise

State	Yes	No
Jharkhand	1	1
Bihar	5	1
Orissa	3	2
Rajasthan	6	1
Chhattisgarh	3	1
Uttar Pradesh	9	1
Madhya Pradesh	4	0
TOTAL	31	7

Majority of the Colleges have designated a faculty for the Legal Aid activities and this trend is consistent in all the seven States. In fact 82% of the Colleges have a designated faculty for Legal Aid activities.

Table 3 Workload Credit for Legal Aid Activity to the Faculty

State	Yes	No
Jharkhand	0	2
Bihar	3	3
Orissa	0	5
Rajasthan	1	6
Chhattisgarh	0	4
Uttar Pradesh	6	4
Madhya Pradesh	4	0
TOTAL	14	24

Though there is a designated faculty for the Legal Aid activities, majority of the colleges do not give any academic credit for such activities. None of the Colleges in Jharkhand, Bihar and Chhattisgarh give any academic credit. 63% of colleges do not give any academic credit. Therefore, Legal Aid activities remain as an extracurricular activity. Consistent with this finding, the faculty rated it as one of the major problems in offering qualitative Legal Aid by the Colleges. As teachers are supposed to take 18 lectures a week, giving no academic credit would mean overburdening the faculty and as a result the faculty would have a serious motivational problem in Legal Aid activities.

Table 4 Advertisement of Legal Aid Activities

State	Yes	No
Jharkhand	1	1
Bihar	3	3
Orissa	3	2
Rajasthan	7	0
Chhattisgarh	4	0
Uttar Pradesh	6	4
Madhya Pradesh	3	1
TOTAL	27	11

Awareness among the public about the availability of free Legal Aid at the Law Colleges is one of most important prerequisites. However, one fourth of the Law Colleges do not advertise about their Legal Aid Clinics.

Table 5 Mode of Advertisement for Legal Aid

State	News Papers	Radio	Distribution of Leaflets	Website	Campaigning	Any other specify	All of them
Jharkhand	1	0	1	1	1	0	0
Bihar	1	0	2	0	1	2	0
Orissa	0	0	0	0	1	2	0
Rajasthan	4	0	5	3	3	2	0
Chhattisgarh	4	0	2	2	4	2	0
Uttar Pradesh	6	2	6	3	5	3	1
Madhya Pradesh	3	1	3	1	2	1	0
Total	19	3	19	10	17	12	1

Among the popular methods of publicizing the Legal Aid, distribution of leaflets and newspapers stood first. However, it was observed during the visit to these Colleges that most of the Colleges use newspapers for publishing about the Legal Literacy Camps they organize, rather than publicize the services offered by the Legal Aid Clinics. 63% of the Colleges use campaigns for publicity of their Clinics. Understandably, only 37% Colleges use website for publicity. Keeping in mind the illiteracy and poverty prevailing in the society, campaigns and leaflets have a better reach in making the people aware about the legal aid services offered by the Clinics.

Table 6 Focus of Legal Aid

States	Women & Children	Senior Citizens	Consumers	Labour	SC/ST	BPL families	Any other	All
Jharkhand	1	1	1	0	1	1	0	0
Bihar	3	3	3	4	4	4	3	3
Orissa	3	0	2	1	1	1	0	0
Rajasthan	7	4	6	4	7	6	4	3
Chhattisgarh	4	2	3	3	4	3	2	2
Uttar Pradesh	10	4	5	5	7	9	3	3
Madhya Pradesh	4	2	3	3	3	3	1	1
TOTAL	32	16	23	20	27	27	13	12

84% of the Clinics cater the services to women and children, 71% on BPL and matters relating to Schedule Caste and Schedule Tribe, closely followed by Consumers at 61%.

Table 7 Special Focus of the Legal Aid Cell's Activities

States	Women & Children	Land Laws	Consumers	Labour Law	Criminal	RTI	Welfare Schemes	Constitution rights	Other	All
Jharkhand	1	1	1	0	0	1	1	1	0	0
Bihar	3	2	2	3	3	3	3	3	3	2
Orissa	2	0	2	1	0	1	1	2	0	0
Rajasthan	7	5	6	4	5	6	4	6	3	3
Chhattisgarh	3	1	2	3	1	3	1	1	1	1
Uttar Pradesh	8	3	5	4	2	7	8	3	2	1
Madhya Pradesh	4	3	4	4	3	4	3	3	1	2
TOTAL	28	15	22	19	14	25	21	19	10	9

74% of Clinics have special focus on women and children where as 66% of Clinics focus on RTI closely followed by 58% on Consumer Rights and 55% on welfare schemes. The choice of the Clinic to focus on the area depends on the expertise of the faculty who runs the clinic and the need of the community.

Table 8 No. of Colleges adopting a Village

States	Yes	No
Jharkhand	0	2
Bihar	2	4
Orissa	2	3
Rajasthan	3	4
Chhattisgarh	2	2
Uttar Pradesh	5	5
Madhya Pradesh	2	2
Total	16	22

Though 16 Colleges said that they adopt a village, in fact it was found that they actually conduct some programs in the villages. In fact they do not adopt in the strict sense but they conduct Legal Literacy Camps.

3.2. Activities of Legal Aid

Generally, access to justice is viewed as a problem for the poor. However, the different socio economic and political conditions that are common to many developing nations like India, make even the well to do families face this problem. The reason for such a situation could be attributed to problems such as legal illiteracy, lack of information, procedural barriers, judicial apathy, delay and social stratifications. Therefore, improving access to justice thorough Legal Aid is multidimensional. Though legal representation is the central idea of providing free Legal Aid to improve the access to justice, other aspects such as legal advice, providing para-legal services, promoting alternative dispute resolutions, legal literacy, reforming law and in suitable cases filing public interest litigations, not only becomes necessary but also the integral part of Legal Aid.

In providing Legal Aid, the State cannot operate in isolation. As discussed above, the wide range of activities that are integral part of Legal Aid require better resources and involvement of more human resources. These requirements necessitate involvement of Law Colleges in these activities. This part of the study deals with assessment of such activities undertaken by the Law Colleges.

Table 9 Colleges Representing Clients

States	Yes	No
Jharkhand	1	1
Bihar	2	4
Orissa	2	3
Rajasthan	3	4
Chhattisgarh	2	2
Uttar Pradesh	5	5
Madhya Pradesh	2	2
Total	17	21

Table 10 Persons representing the Clients

States	Students	Faculty
Jharkhand	1	1
Bihar	2	2
Orissa	0	0
Rajasthan	4	4
Chhattisgarh	1	2
Uttar Pradesh	4	2
Madhya Pradesh	1	1
Total	13	12



Table 11 Representation before the Authorities

States	Court	Tribunal	Administrative Authority	Any other
Jharkhand	0	1	0	0
Bihar	2	0	1	2
Orissa	0	0	0	1
Rajasthan	4	1	1	1
Chhattisgarh	0	1	2	1
Uttar Pradesh	1	1	3	0
Madhya Pradesh	1	0	0	0
TOTAL	8	4	7	5

Table 9 shows that 55% of the Clinics do not represent any clients. Among these 17 Clinics which involved in representing clients, only 12 clinics involve students in representing clients. Further, only 8 Clinics represent before the Courts. The reasons for such a low percentage may be attributed to the fact that both students and faculty are not allowed to represent clients in any Court of law.

Table 12.No. of Legal Literacy Camps organized in a Year

States	1 - 2	3 – 5	6 – 10	Above 10
Jharkhand	1	0	0	1
Bihar	3	0	0	1
Orissa	4	0	0	0
Rajasthan	4	1	2	0
Chhattisgarh	0	0	4	0
Uttar Pradesh	4	5	1	0
Madhya Pradesh	2	1	1	0
TOTAL	18	7	8	2

Except three¹⁶, all other Colleges are involved in conducting Legal Literacy Programs. These programs are mostly organized in villages and slums in the urban. This is the only activity where most of the Colleges are involved. However, the frequency of such camps is very less. Only 23 % of the Clinics conduct more than 6 literacy programs in a year. 51% of the Clinics conduct these camps twice a year and it was found that most of the Colleges have no follow up to these camps.

Table 13 Focus of Legal Literacy Programs

States	Women Children	Land Laws	Consumers	Labour Law	Criminal	RTI	Welfare Schemes	Constitutional rights	Any other	All of them
Jharkhand	2	2	2	1	1	2	2	2	1	1
Bihar	5	4	5	5	5	4	4	4	5	4
Orissa	3	0	2	0	0	1	1	1	1	0
Rajasthan	7	3	7	4	4	7	3	5	4	2
Chhattisgarh	4	1	4	4	2	4	2	2	0	1
Uttar Pradesh	9	5	5	3	5	8	8	4	3	2
Madhya Pradesh	4	3	4	4	4	4	3	3	2	2
TOTAL	34	19	29	21	21	30	23	21	16	12

16. Colleges that are not involved in legal literacy is National Law University, Orissa; Bihar Institute of Law, Bihar; and Srikrishna Jubilee Law College, Muzaffarpur, Bihar.

Table 14 Role of the Faculty and Students in Organizing Legal Literacy Camps (All States)

	Organize	Talks	Both
	Faculty	---	36
Students	3	---	35

Table 15 Method of organizing Legal Literacy Programs

States	Street plays	Workshops	Public talks	Rallies	Posters display	Others
Jharkhand	0	1	2	0	1	0
Bihar	0	2	5	2	3	3
Orissa	0	1	3	1	1	2
Rajasthan	3	5	6	1	5	3
Chhattisgarh	1	3	4	2	3	1
Uttar Pradesh	5	3	8	3	5	2
Madhya Pradesh	2	4	3	2	3	0
TOTAL	11	19	31	11	21	11

It seems that majority of the colleges focus on issues such as women and children, Consumers and Welfare Schemes. Camps are conducted as just public talks. Out of the 38 Colleges, 31 Colleges are involved in conducting public talks. One heartening thing about these camps is that both; the students and faculty not only are involved in organizing the literacy camps but also in giving talks.

Table 16 Collaborations for Organizing Legal Literacy Camps

States	Panchayats	Municipality	DLSA	Clubs	Youth organization	NGO's	Others	All
Jharkhand	0	0	2	0	0	0	0	0
Bihar	1	0	5	0	1	4	1	0
Orissa	2	1	1	1	1	4	0	0
Rajasthan	5	3	3	1	4	7	1	0
Chhattisgarh	4	2	4	2	1	3	2	1
Uttar Pradesh	7	1	5	2	2	5	4	0
Madhya Pradesh	4	1	3	1	2	2	1	0
TOTAL	23	8	23	7	11	25	9	1

Legal Literacy Camps are mostly collaborated with NGO's, Panchayat and Legal Services Authorities. These collaborations are mostly for the aspect of organization and human resources. Only six of the Colleges had collaborations in finance as shown in Table 17 below.

Table 17 Kinds of Collaborations for Organizing Legal Literacy Camps

States	Financial	Organizational	Human Resource (resource persons)	Other	All of them
Jharkhand	0	0	0	0	0
Bihar	1	2	2	2	1
Orissa	0	4	2	0	0
Rajasthan	1	5	4	1	0
Chhattisgarh	3	4	4	0	0
Uttar Pradesh	0	4	7	1	0
Madhya Pradesh	1	3	3	1	1
TOTAL	6	22	22	5	2

Table 18 No. of Colleges providing Legal Advice

States	Yes	No
Jharkhand	2	0
Bihar	5	1
Orissa	3	2
Rajasthan	7	0
Chhattisgarh	4	0
Uttar Pradesh	9	1
Madhya Pradesh	4	0
Total	34	4

Majority of the Law Colleges provide legal advices to the clients. Only 4 Colleges do not offer legal advice.

Table 19 Involvement of Faculty and Students in Interviewing the Clients

States	Faculty	Students	Lawyers
Jharkhand	2	1	1
Bihar	5	4	2
Orissa	3	2	0
Rajasthan	6	5	6
Chhattisgarh	4	4	0
Uttar Pradesh	9	6	2
Madhya Pradesh	3	4	2
TOTAL	32	26	13

Table 20 Involvement of Faculty and Students in Advising the Clients

States	Faculty	Students	Lawyers
Jharkhand	2	1	1
Bihar	5	3	3
Orissa	3	0	1
Rajasthan	7	3	6
Chhattisgarh	4	3	1
Uttar Pradesh	8	4	4
Madhya Pradesh	4	1	1
TOTAL	33	15	17

In most of the Colleges, the faculty was involved in interviewing and advising the client. In 26 Colleges, the students do involve in interviewing the client. However this number was reduced to 15 in case of providing legal advice. Similarly, the number of lawyers involved increases in giving advice comparing to interviewing. However there seems to be some inconsistency between Colleges having lawyers in the panel for Legal Aid, and actually involving in interviewing and advising. 23 Colleges said that they have a panel of lawyers but only 17 Colleges said that the lawyers are involved in advising. This number had further decreased to 13 in case of lawyers involved in interviewing.

Table 21 No. of Colleges having Panel of Lawyers

States	Yes	No
Jharkhand	1	1
Bihar	4	2
Orissa	1	4
Rajasthan	6	1
Chhattisgarh	0	4
Uttar Pradesh	9	1
Madhya Pradesh	2	2
Total	23	15

Table 23 No. of Colleges involved in Para-legal Services

States	Yes	No
Jharkhand	2	0
Bihar	5	1
Orissa	2	3
Rajasthan	5	2
Chhattisgarh	2	2
Uttar Pradesh	9	1
Madhya Pradesh	2	2
Total	27	11

Table 22 No. of Colleges offering Referral Services

States	Yes	No
Jharkhand	1	1
Bihar	0	6
Orissa	2	3
Rajasthan	4	3
Chhattisgarh	2	2
Uttar Pradesh	3	7
Madhya Pradesh	1	3
Total	13	25

Only 13 Colleges offer referral services to the clients approaching the clinics. Mostly these Clinics offer referral services to District Legal Services Authorities.

Table 24 Kinds of Para-Legal Services offered by the Colleges

States	Affidavits	Filling up necessary applications	Social Welfare Schemes	Ration cards	Voter cards	Senior Citizen cards	Registration of FIR	Registration of Birth/ deaths	Others	All
Jharkhand	2	2	1	0	0	0	2	0	0	0
Bihar	4	4	3	1	1	1	3	3	2	1
Orissa	2	2	1	0	0	0	2	0	1	0
Rajasthan	4	5	4	2	2	2	5	2	2	1
Chhattisgarh	2	2	1	0	0	1	2	0	1	0
Uttar Pradesh	5	8	6	4	4	3	5	4	1	0
Madhya Pradesh	1	2	2	1	1	1	2	2	0	0
TOTAL	20	25	18	8	8	8	21	11	7	2

Again majority of the Legal Aid Cells are involved in offering para-legal services. 25 Colleges say that they assist the clients in filling necessary applications,¹⁷ whereas 21 Colleges are assisting in registering FIR followed by 20 Colleges assisting in drafting affidavits. Seven Colleges are involved in other para-legal services such as training Para-legal Volunteers and drafting RTI Applications.

¹⁷. Applications for various schemes of the Government.

Table 25 Collaborations in offering Para Legal Services

States	Panchayats	Municipality	DLSA	Clubs	Youth Organization	NGO's	Others	All
Jharkhand	0	0	1	0	0	0	0	0
Bihar	1	0	5	0	1	3	1	0
Orissa	0	0	0	0	0	0	0	0
Rajasthan	1	1	2	1	2	4	1	0
Chhattisgarh	2	0	1	1	0	0	1	0
Uttar Pradesh	5	1	3	0	2	7	3	0
Madhya Pradesh	1	1	1	1	1	2	0	0
TOTAL	10	3	13	3	6	16	6	0

Out of 38 only 16 Legal Aid Cells are collaborating with NGO's(42%), while only 13 Colleges collaborate with DLSA(34%)and 10 of them with Panchayats. This table also shows lack of collaboration between DLSA and the Legal Aid Clinics.

Table 26 Kinds of Collaborations in offering Para Legal Services

States	Financial	Organizational	Human Resource (Resource persons)	Other	All of them
Jharkhand	0	0	0	0	0
Bihar	0	2	3	1	0
Orissa	0	0	0	0	0
Rajasthan	1	3	4	0	0
Chhattisgarh	0	2	2	0	0
Uttar Pradesh	0	5	9	2	0
Madhya Pradesh	0	2	2	0	0
TOTAL	1	14	20	3	0

Most of the collaborations are for organizing the programs and for resource persons for such programs. Only one college received funding from the collaborations. Therefore, almost all the Legal Aid Clinics operate on their own funding.

Table 27 No. of Colleges Involved in Public Interest Litigation

States	Yes	No
Jharkhand	0	2
Bihar	1	5
Orissa	2	3
Rajasthan	4	3
Chhattisgarh	0	4
Uttar Pradesh	4	6
Madhya Pradesh	1	3
Total	12	26

12 Colleges mentioned that they have been involved in PIL and only 5 Colleges are currently involved in PIL.

Table 28 No. of Colleges Involved in Promoting ADR

States	Yes	No
Jharkhand	1	1
Bihar	4	2
Orissa	0	5
Rajasthan	5	2
Chhattisgarh	2	2
Uttar Pradesh	8	2
Madhya Pradesh	3	1
Total	23	15

Involvement of Legal Aid Clinics in promoting ADR is not very encouraging as 15 Colleges have reported negative in this regard. None of the Legal Aid Clinics in Orissa are involved in ADR.

Table 29 No. of Colleges Involved in Law Reform

States	Yes	No
Jharkhand	0	2
Bihar	2	4
Orissa	0	5
Rajasthan	1	6
Chhattisgarh	2	2
Uttar Pradesh	5	5
Madhya Pradesh	1	3
Total	11	27

Similarly, majority of the Colleges do not engage in law reform activity. Jharkhand, Orissa, Rajasthan and Madhya Pradesh had very low rate of involvement in law reform.

3.3. Identification and Analysis of Shortcomings in offering Legal Aid through Law School Based Legal Aid Clinics

The fundamental challenge faced by the Legal Aid Clinics is the lack of resources. Lack of resources includes both; human and material resources. Lack of human resources include insufficient number of trained faculty, lack of expertise, lack of guidance, failure of BCI to involve the Local Bar, support staff, indifference of the judiciary and lack of public support. Problem with material resources includes financial resources, low access to computers and communication infrastructure, low pay to the part time faculty, practical difficulties such as transport for the students to the rural areas, lack of Training Manuals and books on Clinical Legal Education. In addition to these problems, Clinics also face problems like mass legal education, low involvement of other faculty in Clinical programs, part time students, supervision and evaluation of Clinical programs, language and cultural differences.

Keeping these issues in mind, ten questions were prepared after careful examination of several concerns expressed by the legal fraternity in running Legal Aid Clinics. These questions were asked to the faculty who are actually involved in imparting training in the practical papers and they were required to rank each question on four parameters. Activities of the Legal Aid Clinics purely depend on the needs of the local community and the resources that are at the disposal of the Clinic have disparities in design, approach, evaluation and assessment. Therefore, the same disparities are expected in identifying the shortcomings. The respondents were asked to respond whether the following are the major shortcomings:

- a. Lack of trained faculty
- b. Lack of financial support
- c. Poor student quality

- d. Restriction on faculty to practice in Court of law
- e. Restriction on students to represent client in Court
- f. Part time students
- g. Lack of involvement of Bar Council
- h. Lack of involvement of Judiciary
- i. Lack of specific directions from Bar Council of India
- j. No training facilities to faculty in practical papers
- k. Absence of academic credit for Legal Aid work for students
- l. Legal Aid not part of workload for faculty
- m. Absence of designated fulltime faculty for Legal Aid activity
- n. Absence/lack of support infrastructural facilities

As each question contains four variables, the data cannot be put directly for analyzing. It requires conversion of the data into a single variable. Therefore, the following mathematical formula has been used to achieve the desired result.

Major Problem = 3; To a Larger Extent = 2; Minor Problem: 1; and No Problem: 0.

By using this formula, the data has been converted in points and the same is shown below in the following table.

Table 30 Challenges faced by the Institution in offering Legal Aid through Legal Aid Clinic

Sl. No	Short Comings	Jharkhand	Bihar	Orissa	Rajasthan	Chhattisgarh	Uttar Pradesh	Madhya Pradesh	Total
a.	Trained Faculty	1	3	0	4	7	5	3	23
b.	Financial Support	6	18	11	13	10	27	12	97
c.	Student Quality	0	5	4	5	6	6	3	29
d.	Faculty to Practice	3	6	13	9	12	26	9	78
e.	Students to Practice	6	4	11	6	9	18	5	59
f.	Par-time Students	3	4	0	2	0	10	0	19
g.	Involvement of Bar	3	11	8	13	7	22	3	67
h.	Involvement of Judiciary	5	11	8	9	8	15	5	61
I.	No Directions from BCI	4	15	8	9	7	12	3	58
j.	Training to Faculty	5	10	6	10	7	17	4	59
k.	Academic Credit	6	10	15	8	11	21	6	77
l.	Workload for Faculty	4	14	11	13	9	20	1	72
m.	Designated Faculty	6	7	12	4	4	19	3	55
n.	Infrastructural Facilities	6	13	11	12	6	18	1	67

Figure 1 State of Jharkhand

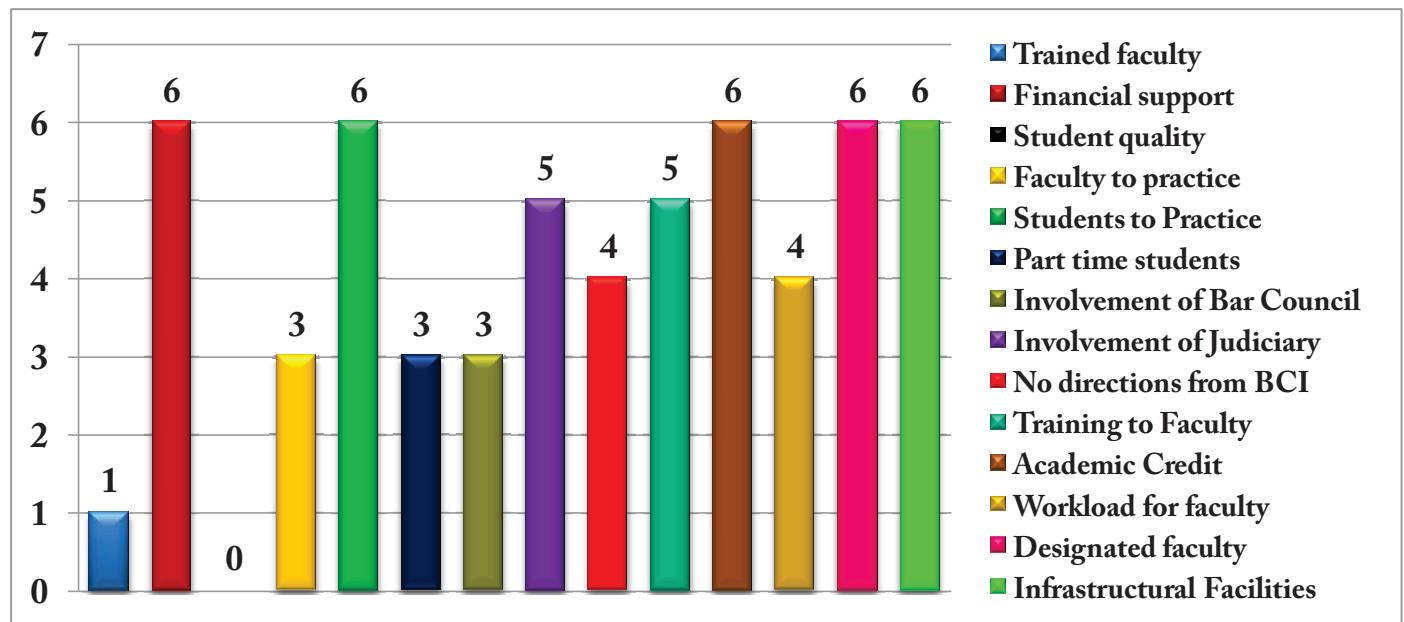


Figure 3 State of Orissa

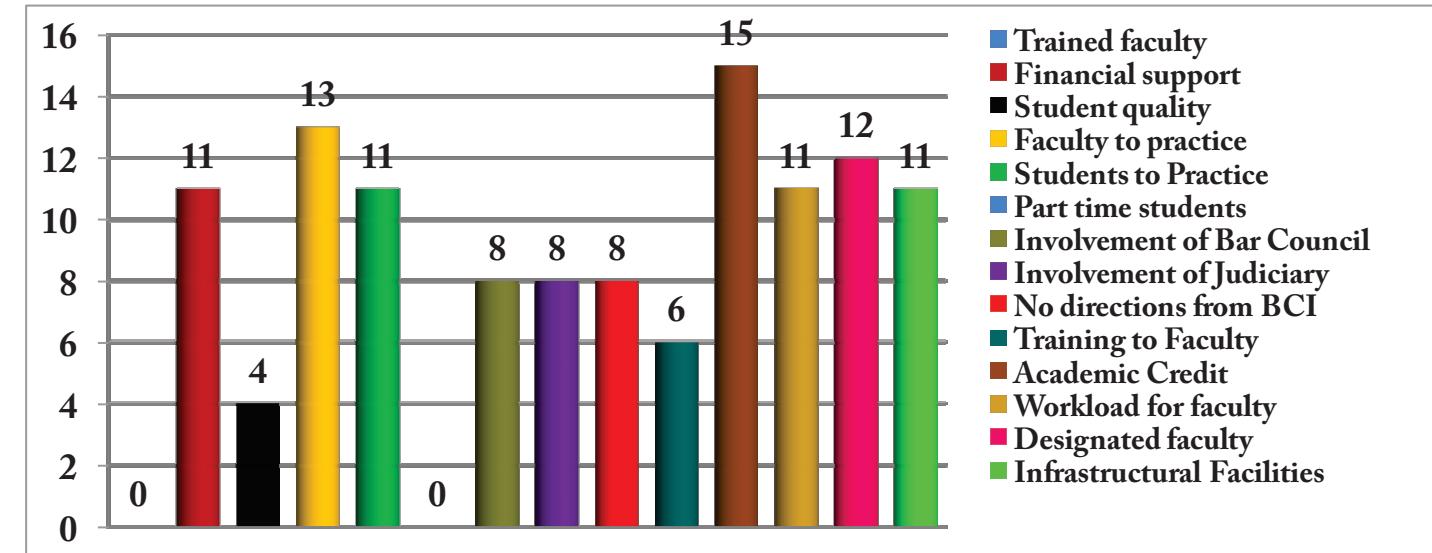


Figure 2 State of Bihar

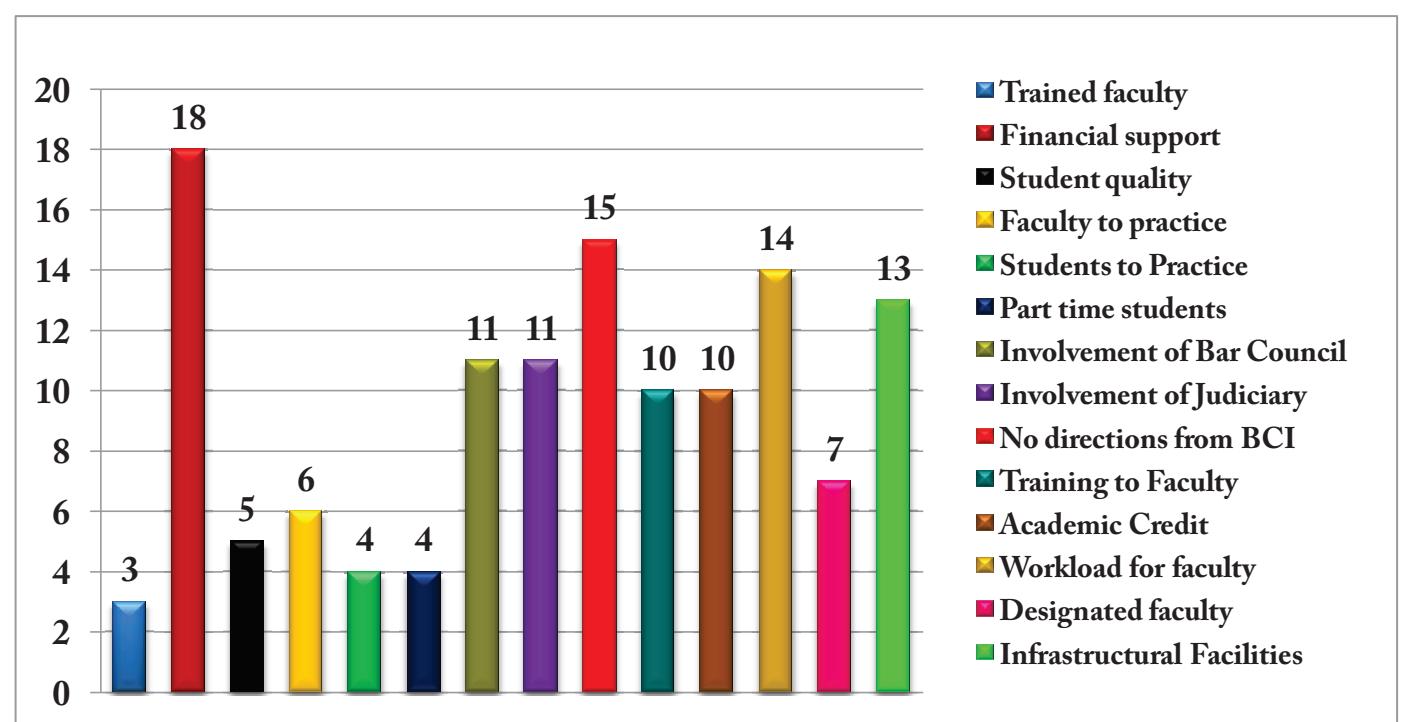


Figure 4 State of Rajasthan

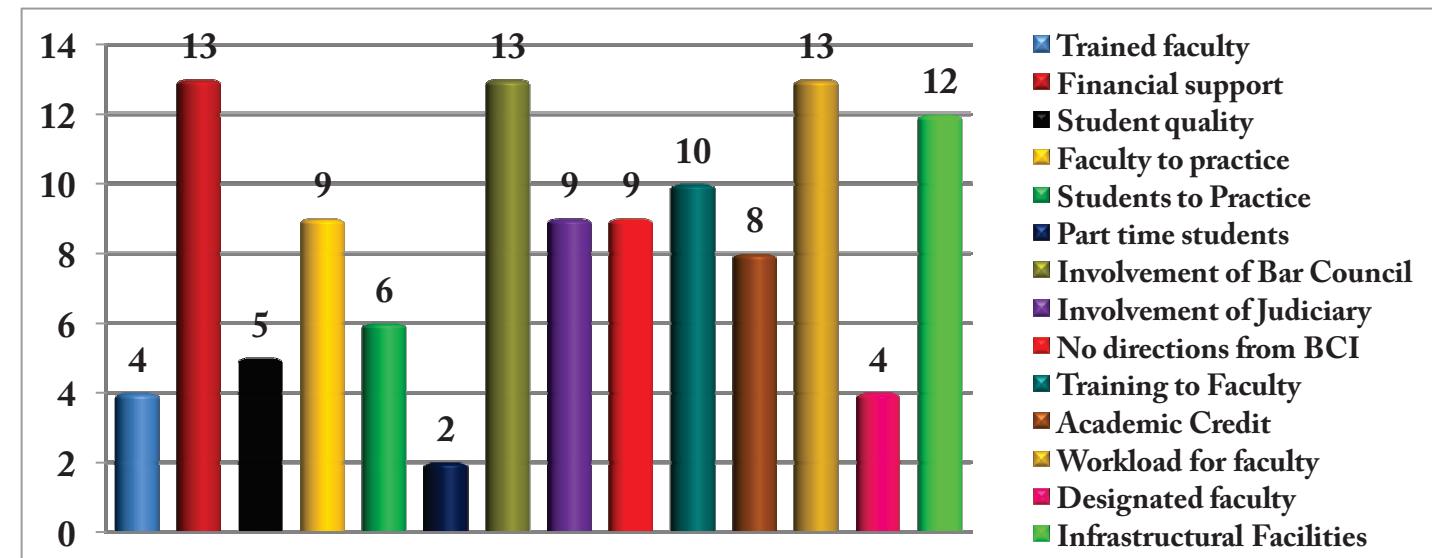


Figure 5 State of Chhattisgarh

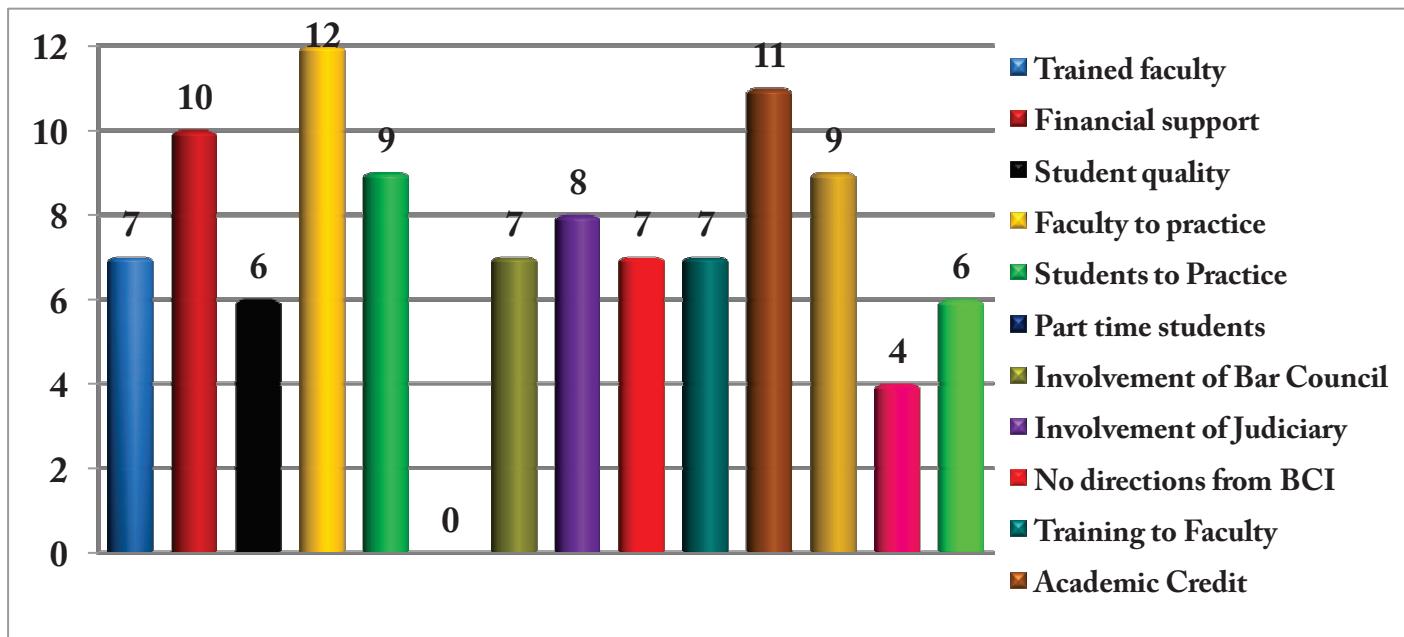
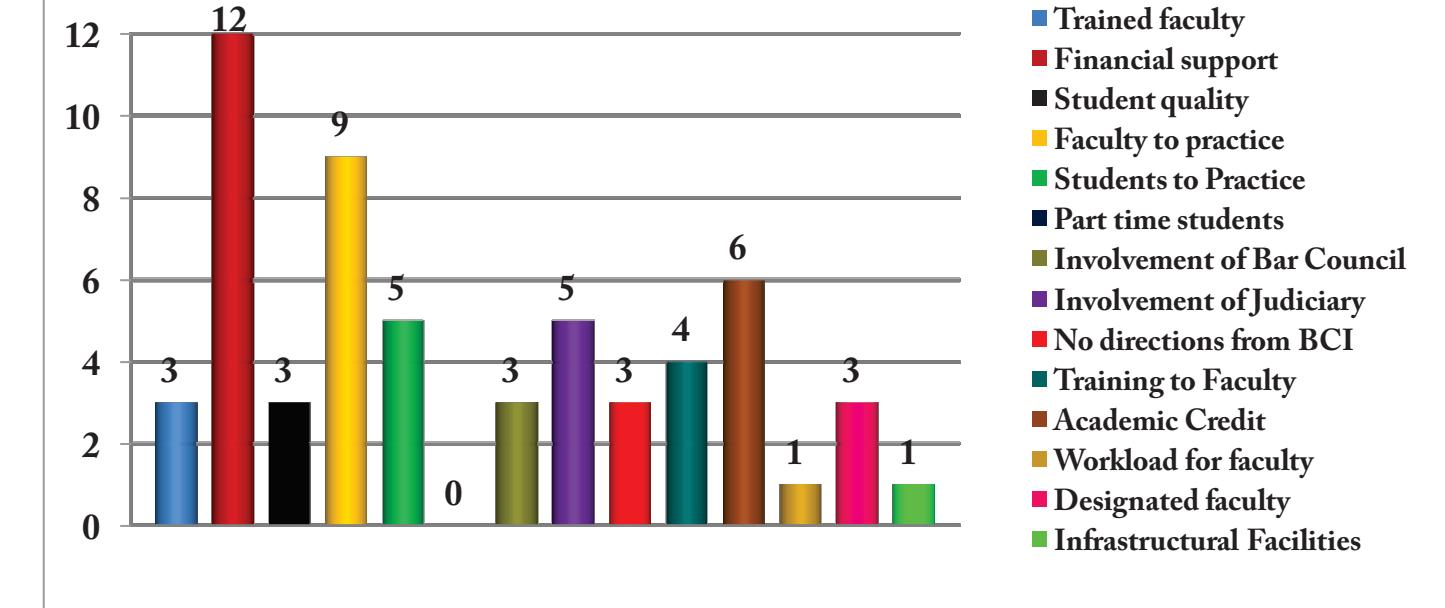


Figure 7 State of Madhya Pradesh



Except Orissa and Chhattisgarh, all other States ranked 'lack of financial aid' as a major problem. Majority of the States recognized restriction on faculty to practice in Court of law and absence of academic credit for Legal Aid work for students as major problems after lack of financial aid. Though lack of specific directions from BCI ranked as 3 in over all, it ranked second in the State of Bihar. Lack of involvement of Bar is also recognized as a major problem. Lack of infrastructural facility is ranked as fourth. The ranking of the shortcoming is given below.

Figure 6 State of Uttar Pradesh

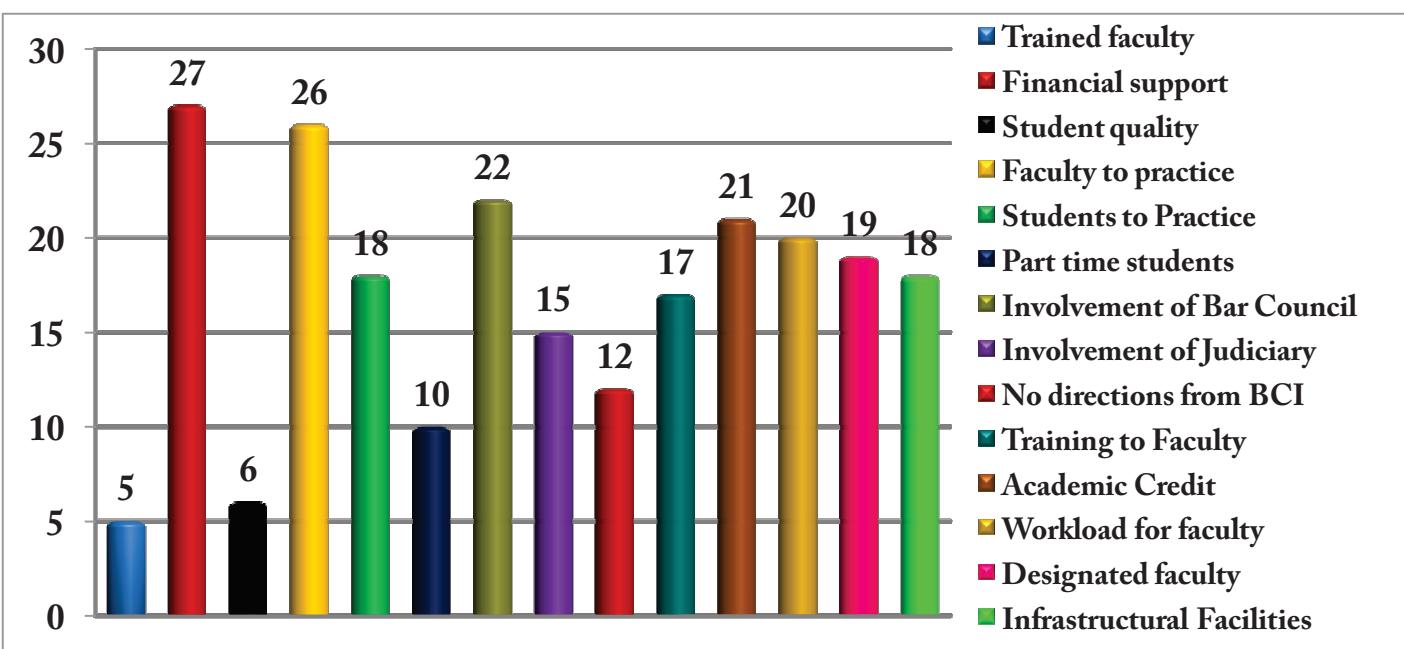
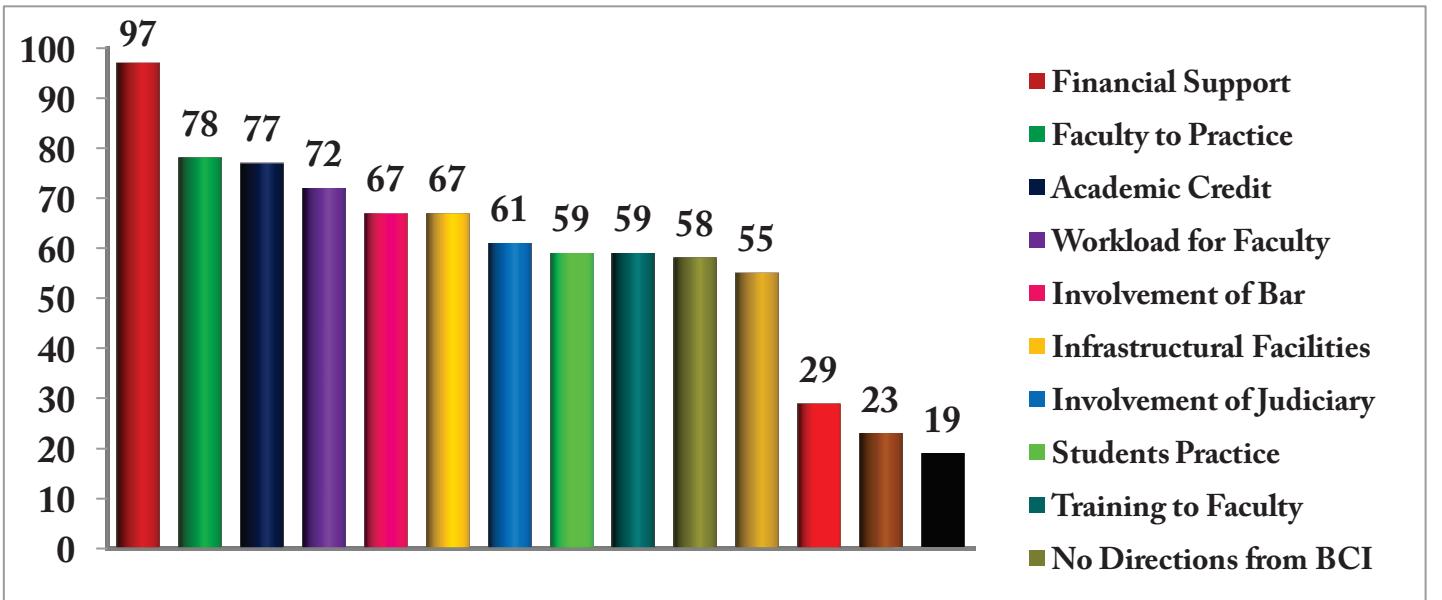


Table 31 Ranking of Short Comings

Lack of financial support	97
Restriction on Faculty to practice	78
Absence of academic credit for students	77
Legal Aid not part of workload for faculty	72
Lack of involvement of Bar	67
Lack of infrastructural facilities	67
Lack of involvement of Judiciary	61
Restriction on students	59
No training facilities to faculty	59
Lack of specific directions from BCI	58
Absence of designated fulltime faculty	55
Poor student quality	29
Lack of trained faculty	23
Part time students	19

Figure 8 Ranking of Shortcomings.



To assess the expectations of the faculty working in the Legal Aid Cell regarding the potential of their Legal Aid activities, seven questions were asked. Each question had following 6 variable answers

0- Not at all; 1 - May be; 2 - Yes but not substantial; 3 - Satisfactory;
4 - To a large extent; 5 - Absolutely

Responses to the questions could not be put directly into analysis as it requires a single value for each question. Therefore, the six variables were converted into single value by using the following formula:

0 Not at all = -3 ; 1 May be = -2; 2 Yes but not substantial = -1; 3 Satisfactory = 1; 4 To a large extent = 2; 5 Absolutely = 3

Table 32 Potential of Legal Aid Clinics

Sl. No		0	1	2	3	4	5	Total
1	Legal Aid Clinics effectively ensure access to justice.	-3	-2	-7	8	12	42	50
2	Your association with the Legal Aid Cell has enhanced practical understanding of law	0	-2	-2	6	24	63	89
3	Legal Aid work reduces the gap between law in books and law in practice	-3	-2	-2	2	33	63	91
4	The paralegal services by Legal Aid Cells improve the quality of life in society	0	0	-2	7	33	54	92
5	Legal Aid Cell activities can make transition from College to Profession easier	0	-2	-1	2	39	63	101
6	Agree with the system and method of imparting Legal Aid training in your Institution	-12	-4	-2	9	18	42	51
7	The services offered by your Clinic really benefits to the marginalized society	-3	-8	-1	11	6	51	56

The questions 3, 4 and 5 in the above table show that the Legal Aid Cells have a potential in providing Legal Aid. However, the response to the first question whether Legal Aid Clinic can effectively ensure access to justice, received a good response but not as overwhelming as the response to 3,4 and 5. Response to the second question again shows the value of the Legal Aid activities. However, question 6 and 7 receives a moderate response. Therefore, it is concluded that though the Legal Aid Clinics can play a substantial role in providing Legal Aid to the marginalized community, the way presently the Clinics work, had only moderate success in this regard. This analysis is further supported by the following data.

Table 33. Law College students should help in providing Legal Aid

States	Yes	No
Jharkhand	2	0
Bihar	6	0
Orissa	5	0
Rajasthan	7	0
Chhattisgarh	4	0
Uttar Pradesh	9	1
Madhya Pradesh	4	0
Total	37	1

There is unanimity among the Colleges that the students should be involved in the Legal Aid activities. Except one college in Uttar Pradesh, all the Colleges said that the students should involve in Legal Aid activities.

Table 34 Students are capable of offering quality Legal Aid

States	Yes	No
Jharkhand	2	0
Bihar	6	0
Orissa	4	1
Rajasthan	6	1
Chhattisgarh	3	1
Uttar Pradesh	8	2
Madhya Pradesh	3	1
Total	32	6

Again majority of the Colleges i.e. 32 out of 38 Colleges (84%) agreed that the students are capable of giving Legal Aid, whereas six Colleges (16%) opined that students are not capable of giving Legal Aid. A cross verification of the earlier response to the question whether the students should be involved in Legal Aid shows that only one College answered in negative but as far as capacity to offer Legal Aid is concerned, six Colleges answered in the negative.

To assess the need for improving the Legal Aid activities, nine questions were asked to the Colleges to prioritize the help they need in offering effective Legal Aid. Each question had the following five answers.

0 – Not required; 1 – May be; 2 – Yes but not substantial; 3 – to a large extent; 4 – Absolutely.

As each question had five variables, the following formula was used to convert them into a single variable

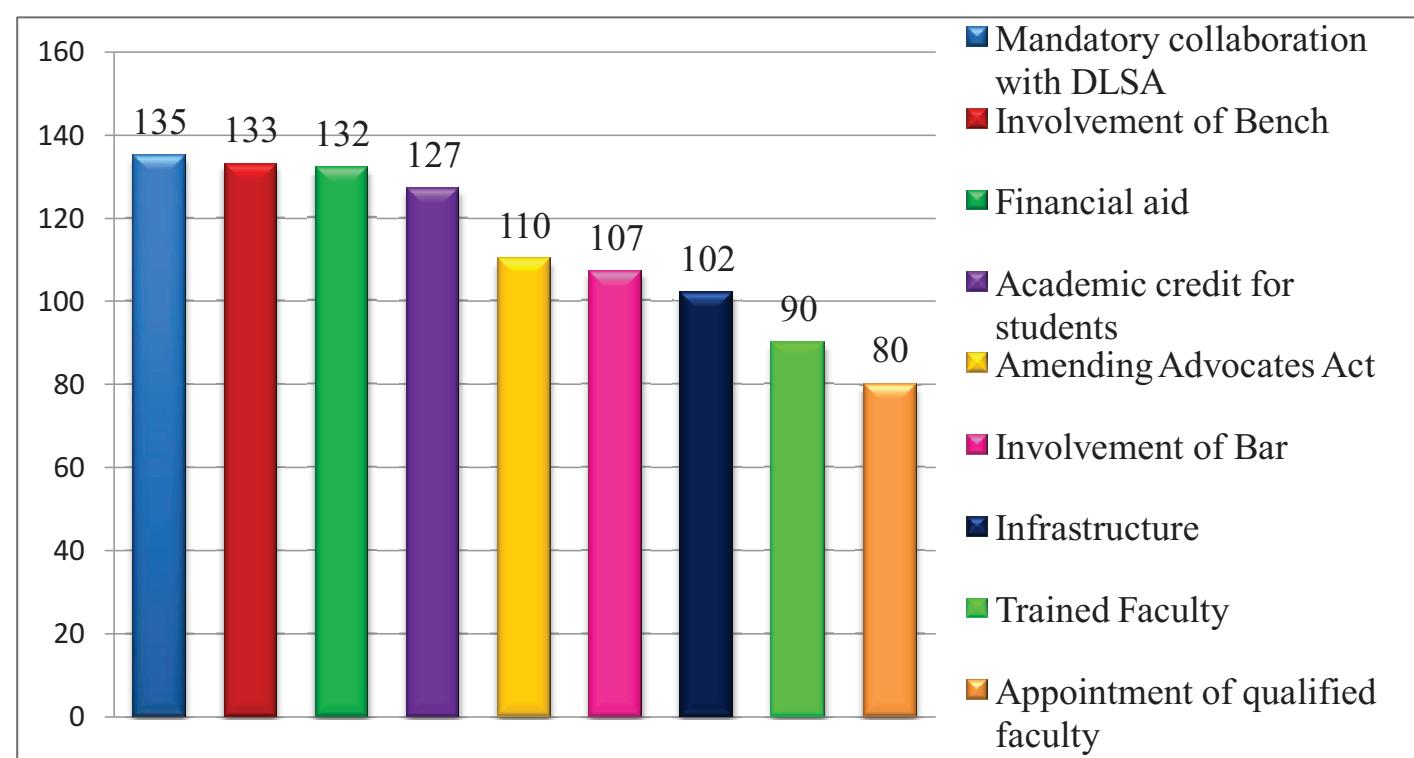
Not required = 0; May be = 1; Yes but not substantial = 2; To a large extent = 3; Absolutely = 4

By using this formula, the data has been converted in points and the same is shown below in the following table.

Table 35 Kind of support needed for effective legal services

Kind of Support	0	1	2	3	4	Total
Financial aid	0	2	8	18	104	132
Infrastructure	0	1	10	27	64	102
Appointment of qualified faculty	0	5	2	21	52	80
Trained Faculty	0	6	8	24	52	90
Involvement of Bar	0	4	8	39	56	107
Involvement of Bench	0	1	6	42	84	133
Academic credit for students	0	0	6	9	112	127
Amending Advocates Act	0	7	2	21	80	110
Mandatory collaboration with DLSA	0	0	4	27	104	135

Figure 9 Kind of support needed for effective legal services

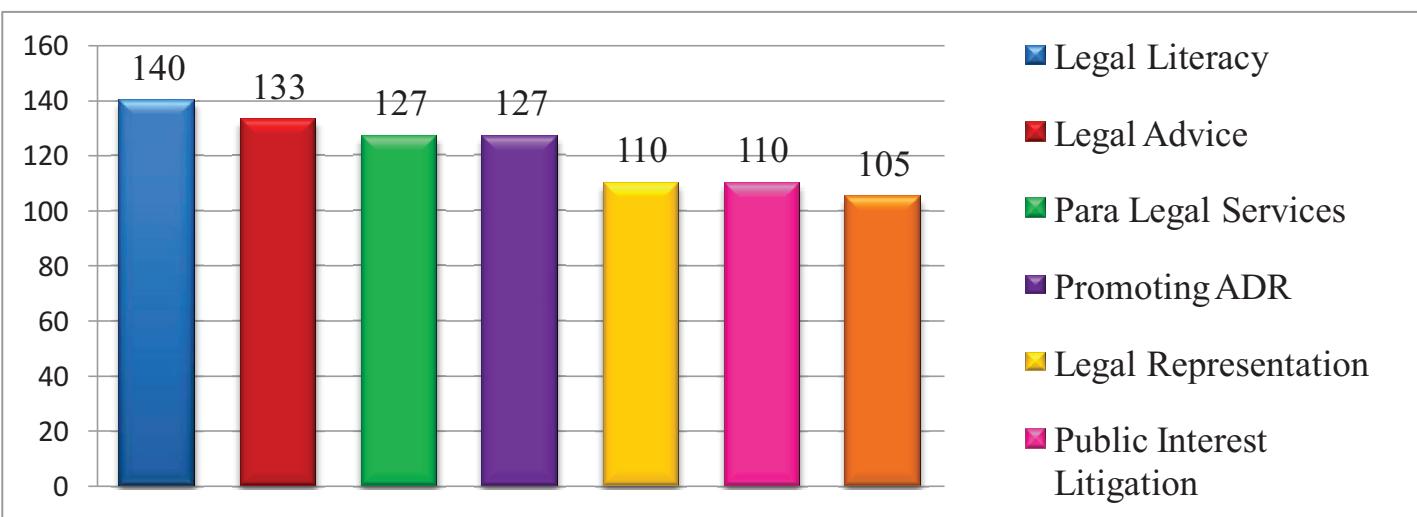


Result shown in the above figure is consistent with the observations made by the teams visiting the seven States. Most of the Colleges felt that District Legal Service Authority is not properly involved with Legal Aid Clinics of the Colleges. They did express that the collaboration with DLSA would enhance the value of Legal Aid. As the result shows, the mandatory collaboration with DLSA followed by involvement of Bench and financial aid are the most sought help by the Colleges. Colleges also want academic credit to the students who work in Legal Aid activities.

Table 36 Most effective activity that provides a meaningful access to justice to the marginalized community

Activity	Not at all	May be	Yes but not substantial	To a Larger Extent	Absolutely	Total
Legal Representation	0	2	10	30	68	110
Legal Advice	0	0	4	33	96	133
Para Legal Services	0	0	12	15	100	127
Promoting ADR	0	0	4	39	84	127
Legal Literacy	0	0	2	18	120	140
Public Interest Litigation	0	4	10	36	60	110
Law Reform	0	5	6	30	64	105

Figure 10 Most effective activity that provides a meaningful access to justice to the marginalized community

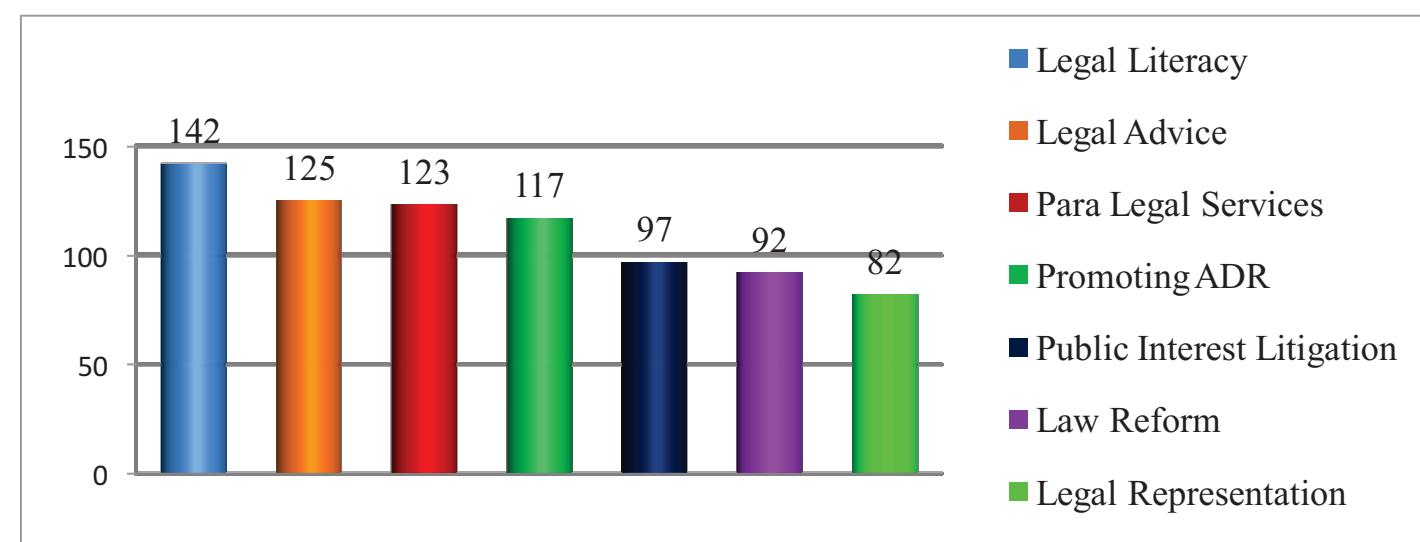


Not surprisingly, Colleges opted legal literacy as the best activity in providing access to justice followed by legal advice and para-legal services. Such response is understandable as the Legal Aid Clinics with its limited financial and human resources can afford to offer these activities. Further, with the time constraints on the faculty and the students, they could meaningfully involve in these aspects.

Table 37 Activities a Law College Clinic can most effectively undertake

Activity	Not at all	May be	Yes but not substantial	To a Larger Extent	Absolutely	Total
Legal Representation	0	5	8	33	36	82
Legal Advice	0	0	4	33	88	125
Para Legal Services	0	1	4	30	88	123
Promoting ADR	0	1	4	48	64	117
Legal Literacy	0	0	0	18	124	142
Public Interest Litigation	0	4	14	39	40	97
Law Reform	0	4	18	18	52	92

Figure 11 Activities a Law College Clinic can most effectively undertake

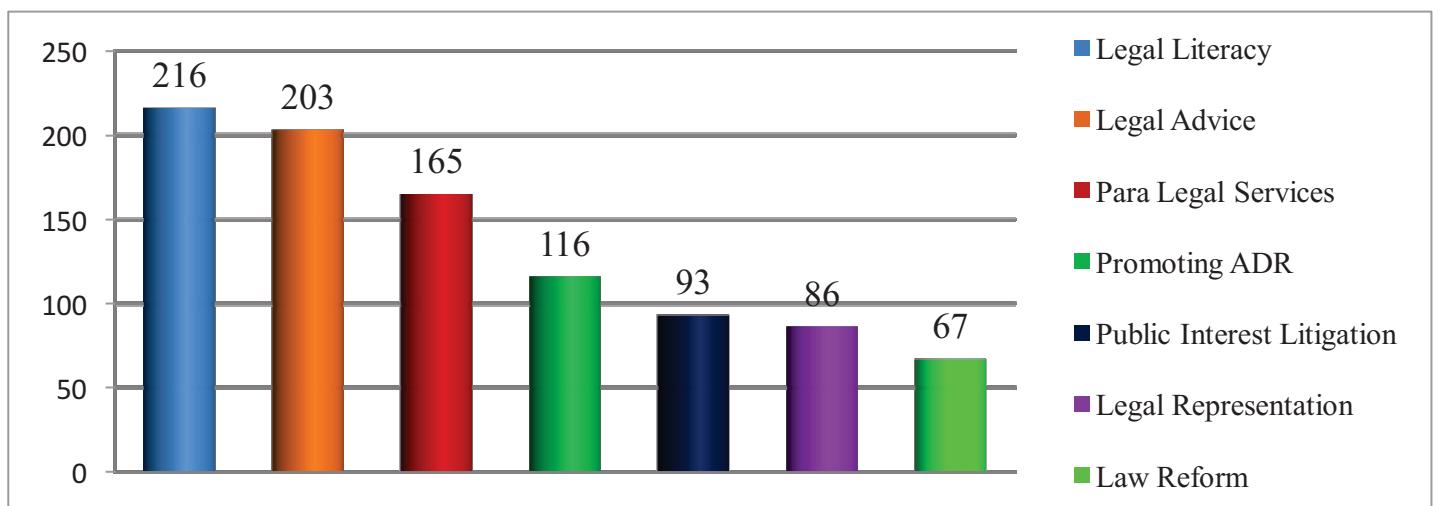


Consistent with the analysis of the earlier table most of the Colleges felt that they can undertake legal literacy effectively compared to other aspects of Legal Aid. Law Colleges are also confident about offering legal advice and para-legal services to the society. These finding are consistent with the activities that are undertaken by the Legal Aid Clinics.

Table 38. Activity of the Legal Aid Clinic that have benefited the Marginalized Community

Activity	1	2	3	4	5	6	7	Total
Legal Representation	28	12	10	16	9	10	1	86
Legal Advice	91	78	20	0	12	0	2	203
Para Legal Services	63	42	35	8	12	2	3	165
Promoting ADR	14	6	40	32	15	6	3	116
Legal Literacy	147	18	45	0	3	0	3	216
Public Interest Litigation	14	18	10	20	15	12	4	93
Law Reform	0	12	10	20	6	8	11	67

Figure 12 Activity of the Legal Aid Clinic that have benefited the Marginalized Community



Again the result is consistent, as Legal Literacy stood first, followed by legal advice and para-legal services. This consistency could be attributed to the fact that all the Colleges are involved in legal literacy and to a larger extent legal advice and para-legal services.

3.4. Findings of the Study

Law School Clinics exist all over the world and are designed to provide socially relevant legal education. However, these Clinics may differ from country to country and often within the country. These differences in the Clinics may be the result of varying socio-economic and political reasons. Despite such differences in the structure and the content of the Clinics, they are similar in their mission. Most of the Clinics have developed in various schools as Legal Aid Clinics with a motive of offering free Legal Aid to the poor. Variety of Clinical programs started in Law Schools as a result of meeting the unmet needs of the local community.

However, the Clinical movement in India came into a shape due to the mandatory requirement from BCI. This was further strengthened by the directive from the State Legal Services Authority in some of the States like Rajasthan to start a Legal Aid Clinic. As a result, several Law Colleges started Legal Aid Cells in their campuses. Though this is a welcome step towards providing access to justice to the marginalized, majority of the Clinics were started only as a formality to fulfil the mandatory requirement.

Conclusion was arrived at, based on the fact that the Clinics have no proper structure, place, no policy of the Clinic on number of students in the Clinic, the kind of services they would extend, no workload credit to the faculty, no academic credit to the student, and most of the activities of the Cells are restricted to a few Legal Literacy Camps.

Further, involvement of the Clinics in other activities of the Legal Aid seems to be farfetched as the research teams inspecting the Colleges found that most of these activities have involvement of few faculty members or adjunct faculty who are practicing advocates. Even these activities are carried out by the Colleges, not in a systematic manner and as a result it is very difficult if not impossible, to assess the impact.

Similarly, the involvement of these Clinics in adopting the villages and Public Interest Litigations seem to be fanciful, as the Colleges have not comprehended the meaning. For example, many Colleges mentioned about adopting a village, but in the visit to the Colleges it was revealed that these Colleges are actually organizing Legal Literacy Camps in the particular village. Therefore, the data showing that 16 Colleges have adopted a village meant that they only conduct Literacy Camps in that village.

National Law Schools which are termed as the premier institutions and the best Law Schools for legal education in India, fare very poorly in providing Legal Aid to the poor. Legal Aid is neglected to the core in these schools. The study of six National Law Schools in the seven States was undertaken. National Law Institute University, Bhopal has no structured Legal Aid Clinic at present. It seems that the students are involved in some of the Legal Literacy Programs and Lok Adalats. However, the Legal Aid is not institutionalized and in spite of repeated requests the NLU failed to send the in depth questionnaire. During the visit no record was shown to the team about the Legal Aid activities.

Similarly, Ram Manohar Lohia National Law University, Lucknow had no Legal Aid Clinic. However, it has a Legal Aid Committee which conducts Legal Awareness Camps. The Head of the Legal Aid Committee showed reluctance to meet the visiting team in spite of several requests. The National Law University, Jodhpur currently has no Legal Aid Clinic. The Clinic which was established earlier was closed due to the fact that faculty in-charge is on maternity leave.

Hidayatullah National Law University, Raipur had a Law Clinic and they did adopt a village. In the course of visiting team's interaction with the students it was found that the visitors to this Clinic faced several problems in accessing the Clinic. The villagers who would like to approach the Clinic face the problem of entering the University premises as they require passing through the security and usually they are denied entry. As a result they stop visiting. Students visiting the villages had a language barrier in communicating with the local community. At present the Clinical activity is confined to teaching English to some of the local students.

National Law University Orissa (NLUO) is a relatively new School established only in the year 2009. NLUO established its Legal Aid Clinic just 20 days before the visit of the team. Chanakya National Law University, Patna though established in the year 2006, the Legal Aid Clinic was established only in the year 2011. Therefore, it is still in the nascent stage. The concern of Legal Aid to the poor and marginalized sector in National Law Schools is in dismay. Legal Aid is not a compulsory component in any of the National Law Schools. As result, very few students participate in the activities of the Legal Aid if any. Considering the reputation, resources and the support they receive from the public exchequer, their performance is dismal as far as Legal Aid is concerned.

The observations of the visiting teams to other selected Colleges are given below:

- ❖ Almost all Colleges expressed that there is a financial constraint to carry out Legal Aid activities in an effective manner.
- ❖ The students unanimously expressed their view that they should be involved in Legal Aid from the first year itself.

- ❖ The faculty was of the view that they require training with respect to carrying out Legal Aid activities.
- ❖ There is consensus among Legal Aid Clinics that the people in the rural areas are deprived of basic necessities. Therefore, unless and until these necessities are provided for, legal awareness does not have a meaningful role to play.
- ❖ Most of the Colleges have an impression that Legal Aid activities include only legal awareness camps. The Colleges are not focusing beyond organizing legal awareness camps.
- ❖ The Colleges have opined that students can render effective Legal Aid services but at present are ill equipped in terms of skills and there is a dire need for training the students specifically in Legal Aid by a panel consisting of advocate, sitting Judges and faculty.
- ❖ Every college has only one composite Legal Aid Cell which functions within the college campus. But none of them have independent Cells which can operate in different areas. Therefore, participation of all the students of the college in the Clinical activity becomes difficult.
- ❖ There is no unanimous opinion with respect to representation of cases on behalf of clients by teachers and students before the Court of law; the opinion is equally divided among the ones who are in favour of the above and those who are reluctant. The reluctance is basically due to issues such as competency and supervision of such activity.
- ❖ Most of the Colleges have highlighted the lack of cooperation from local authorities in carrying out Legal Aid activities. In some instances, the Colleges were asked to bear the expenditure of the programs conducted by local authorities in association with the college.
- ❖ Almost all the Colleges are of the view that there is a need to provide some incentive to the teachers and students in the form of recognition of workload and academic credit for those who actively participate in Legal Aid activities in the institution.
- ❖ Most of the Colleges do not have a student in charge of Legal Aid Cell.
- ❖ Some of the Colleges have said that the villagers are not ready to disclose their problems with Legal Aid Cell members and they are reluctant to interact with the Legal Aid team. Therefore, there is a need to win the trust of the community.

3.5. Best Practices in India

As is mentioned in the methodology, the present study is not only confined to the seven projected States but also to find out some of the best practices that are undertaken by Law School based Legal Aid Clinics in other parts of the country. The purpose of such a study is to identify those practices which are successfully undertaken by these Clinics and the suitability of replicating the same in the other parts of the country. The following Law Schools were identified for the study based on the personal knowledge of the research team acquired due to their constant interaction in Clinical activities in India.

i. National University of Juridical Sciences, Kolkata, West Bengal (NUJS)

Legal Aid Society was established in NUJS to offer free Legal Aid to the society and skill development to the students. It consists of two faculty advisors, one retired District Judge and 10 student coordinators. The retired District Judge would be in charge of on campus Legal Aid Clinic. The two faculty advisors would be looking after the policy of and the kind of activities Legal Aid Society would undertake.

Legal Aid Society of NUJS conducts various programs to strengthen access to justice. Few of the important initiations are given below:

- a) Legal Literacy camps
- b) Legal advice
- c) Provide referral services
- d) Social outreach programs like night teaching classes for workers at the University, helping the victims of disasters, etc.
- e) Networking with other Law Colleges in West Bengal in continuing Legal Aid activities and sharing the best practices.

A. Shadhinota (Freedom)

In collaboration with Human Rights Initiative, the Society carried out legal counseling to the inmates of prisons in West Bengal. One faculty advisor and two student coordinators from the Legal Aid Society are appointed as coordinators for this project. 18 students are selected to work on the project. They visited two prisons in Kolkata, namely Alipur Central Prison and Presidency Correctional Home every Saturday from 12 noon to 4.00 pm. These students are accompanied by a representative from Human Rights Initiative. Every three months they organize a Legal Awareness Camp in the prison and inform all the inmates about the availability of free Legal Aid services. The team of students with the representative sits in Welfare Office for providing Legal Aid. Students fill the necessary applications and forms and send them to District Legal Services Authority and also follow up the cases.

Students are given a questionnaire, based on which data would be collected from the inmates. Every Wednesday all the students, students' coordinators and the faculty meet at the Law School and identify the potential inmates who are in need of Legal Aid.

Thereafter, a second set of questionnaire is given to the students to collect further information from the selected inmates for Legal Aid. Based on the data those who require legal assistance would be provided with the same and in cases where there is a need for a lawyer, the cases would be referred to District Legal Services Authority.

B. Anti-human Trafficking

In collaboration with International Justice Mission, the Legal Aid Society offers a two semester course on Anti-trafficking. Six students are enrolled in this course. In the first semester, the course offers basic teaching on Anti-trafficking Law, interviewing and counseling techniques. With the help of a NGO named Banglanatak.com, the students visit villages and organize legal awareness camps on trafficking.

Students need to report any cases of trafficking to the International Justice Mission. In the second semester, the students are send for externship to International Justice Mission to work on cases of human trafficking. In addition to this, the students are also involved in the thematic and case research, organizing of seminars, workshops and training programs for various stake holders.

C. Effective Rural Governance and Access to Justice Project 2011

To ensure effective rural governance in West Bengal, the Legal Aid Society is initiating a project for Effective Rural Governance and Access to Justice from August, 2011. This project aims at sustained training and capacity building to deliver free Legal Aid and services to rural communities of West Bengal.

● Project Partners

NUJS Legal Aid Society intends to establish co-operative and working relation with public authorities e.g. Gram Panchayats, Zilla Parishad, Department of Education, Health, Rural Affairs, Food & Consumer Protection Govt. of West Bengal, and State & District Legal Services Authorities of West Bengal. It will also seek co-operation from Non-Governmental Organizations and Civil Society Groups functioning in the project locations.

As a pilot project, the work would be carried out in two villages in the district of North 24 Pargana District of West Bengal. The purpose of this pilot project is to evaluate the viability and modalities for implementing the same on a larger scale. The strategy for implementation of this project contains two components.

● Capacity Building Program

This part consist of selecting volunteers for training, preparing training module, conducting regular weekly training class, evaluating the progress of the trainees, monitoring the activities of the volunteers and assisting their activities when required.

● Direct Legal Assistance Program

This includes conducting a survey in the selected pilot project site to determine the main legal problems existing in the village. Thereafter, organize weekly Legal Aid Camps in this area jointly with support of the District Legal Services Authority to provide free legal advice and other legal service.

● Expected outcome

The project is expected to benefit a large number to people in rural areas. It aims to generate

awareness among common people about laws and legal institutions. It would create a pool of para-legal volunteers among these communities who can advise the people in their localities on basic legal problems and extend the reach of free Legal Aid system to rural communities in a more sustained manner. The Project would bridge the existing gap of information deficiency among the rural people about their legal rights, and develop a culture for better dispute management at grass-root level by revitalizing the institution of Panchayat Court system and other forms of amicable process of dispute settlement. It is also expected to empower the rural people to fight corruption and bring transparency and effective rural governance in their villages.

ii. Law, Policy, and Governance initiative by Institute of Rural Research Development Gurgaon in association with Jindal Global Law School, Haryana.

IRRAD works in villages of one of the India's most backward Districts, the Mewat in Haryana. The mandate of Good Governance Project is to empower rural India and reduce rural poverty. It uses Integrated Sustainable Village Development Models. To achieve its objects, IRRAD established PGA Centre which would select group of villagers to prepare them as effective participants in the affairs of local governance. It has three objectives:

- a. Effective participation o the villagers in public affairs
- b. Good governance
- c. Sustainability of the initiatives

For achieving its objectives the PGA Centre focuses on providing access to information and participation with the help of such information. The duration of the project was one year and in a month only half day sessions were allotted for classroom learning and planning. Rests of the time, the villagers participating in the program are required to practice the information that was imparted to them in the classroom.

The whole project is client oriented. The class room teachings are based on the needs of the villagers. Mostly the classroom teaching focused on the villagers' entitlements such as right to food under Anganwadi and Mid-day Meals Schemes, Right to Education, Social Security, and Right to Information Act. Villagers learnt how to use RTI in realizing their entitlements. This particular model would suit Law School students in India as law teachers and the students are not allowed to practice law. This model was developed by Prof. Ajay Pandey who is currently a faculty in Jindal Global Law School. Many students from other Law Schools also visit this Centre for placement.

iii. National Law School of India University, Bangalore.

The system that is followed is through the Student Bar Association by a process of election. From each year, two students are elected except the First Year wherein only one student is elected. Thus in all there are nine members. A senior faculty member is designated as in charge faculty for Legal Aid work. It runs a Clinic in its campus. The Clinic is open from 4 p.m. to 6 p.m. They conduct legal literacy programs for schools. The Committee also visits prisons and meets the under trials to ascertain their duration of stay etc. The Committee visits villages to conduct Legal Aid programme. They are also involved in the preparation of book marks depicting the various rights. They also run a Cyber Legal

Aid Cell in which a web site is managed by the Committee and any one in need of legal advice can seek help using internet. Another unique practice is awarding a gold medal annually to a student for Legal Aid and that seems to be the motivating factor for the students to join Legal Aid.

iv. Symbiosis Law School, Pune

Symbiosis Law School was established in Pune in the year 1977. Though Legal Aid was offered by the SLS from its inception, it was institutionalized by starting the Centre for Legal Aid and Literacy in the year 2006. It runs five Clinics; the Human Rights Cell, Economic Law Cell, Environmental Law Cell, Technology Legal Cell, and Legal Aid and Literacy Cell.

The structure of the Centre for Legal Aid and Literacy: Each Clinic has a designated faculty member as an in charge and there is an overall Chief Coordinator. Each Clinic also has a Student Coordinator. Each Clinic would admit about 20 students. Clinical course in SLS is an optional course wherein both LL.M. and LL.B students could opt. In addition, there is an advisory panel consisting of 10 persons who include retired judges, lawyers, alumni members and visiting faculty. Students are selected based on interview by the Professor in charge and the senior member students for the Clinic. Selection is based on the interest and the language skills of the students. While selecting the students, the Clinic maintains gender balance.

A. Symbiosis Legal Centre at Pirangute

In addition to the five Clinics, the SLS has established the Symbiosis Legal Centre at Pirangute village. This Center was established in the year 2008 in association with Community Law Resource Network, City University of New York. This is a permanent Off Campus Legal Aid Center. Pirangute is about 25 k.m. away from Pune city. The Centre was established in the Panchayat building. The uniqueness of this initiation is that SLS created Rs 20 lakhs corpus for the activities of this Centre. SLS provided Rs. 10 lakhs, 5 lakhs was donated by the Symbiosis Foundation and the rest of 5 lakhs were donated by a noted lawyer Shri. Ram Jetmalani.

This Centre operates from 9 am to 1 pm on every Saturday. A panel of 30 members from the Bar, Medical profession and the Faculty was formed. Every Saturday a retired judge and a faculty member attends this Centre to provide consultation and legal assistance with the help of legal practitioners in various matters. This Centre not only promotes legal literacy but also provides for legal representation in Courts. The legal services offered by this Centre are free. The panel members represent the cases in Courts. Though the Centre offers Rs.500/- per hour as an honorarium to the lawyers, most of them provide free Legal Aid to the needy.

The community could even approach the Sarpanch for any legal problem on any day and if need be, the Sarpanch can seek the help of the Centre through the faculty of SLS. In addition to providing Legal Aid, the Centre also conducts various Community Capacity Building Programs. Students' involvement in this Centre is restricted to conduct the public surveys and organizing socio- legal studies regarding the problems faced by the community. Students also observe the proceedings of the Centre. Two to three students work on cases that come up to the Centre.

B. Mahatma Gandhi Tanta Mukthi Yojana

This program was conceived by the Maharashtra Government with an object of making the society litigation free. Under this Scheme, the Government created members from among the government officials and the police to solve the problems of the community. However, there is no representation from the lawyers and the judges. SLS Legal Aid Centre provides lawyers and judges to this body in helping in the finalizing of dispute settlements.

C. Community based Law Reform Research

SLS Legal Aid Centre also offer opportunities to the students to conduct community based law reform research. One faculty member would be appointed as a Chief Coordinator for these projects. 10 to 12 students and a faculty member can make a proposal for any such project. The proposal would be submitted to the Chief Coordinator. Chief Coordinator would submit the same to the Director. Once the project is approved, finance would be granted and credit given to the students involved in the project in Legal Aid.

Further, the research assistance is also given to the NGO's working in the urban slums. For example, research assistance was provided on issues of gay rights, child rights and juvenile delinquents.

Based on the project reports Legal Literacy Programs are designed and undertaken by the Legal Aid Centre. These projects are used as resource materials and students also provide support for Public Interest Litigation. One of the projects on Dyslexia (learning disability) was used by a parent in filing a Public Interest Litigation. One of the research project on Women and Governance at Gross Root Level got an award of Rs. 50,000/- from Government of Maharashtra.

D. Incubator for Legal Professionals:

Another innovative program of SLS is Incubator Program for Legal Professionals. The idea of incubator is to provide comprehensive legal knowledge and skill development for legal professionals who would be able to provide pro bono legal services. The course offers skills in Communication, Case Management, Human Resource Management, ICT, Office, Accounts, Legal writing, Business skills, Professional ethics, ADR – especially Mediation & Conciliation. Two students would be identified in the first year on the basis of the keen interest shown by them in community lawyering. These two students would be given assistance and they are required to work on poverty issues. After completion of the course they would be attached to a lawyer's office and enlisted to the Legal Aid Committee. These students also would be given a stipend for at least two years after completion of LL.B. program. However this project is still in infant stage as it requires a lot of funding to meet the tuition fee and the two years stipend.

v. ILS Law College, Pune

Legal Aid Centre was established in ILS in the year 1976-77. The initiative was taken by Professor S.P. Sathe & the enthusiastic students. Initially, the Centre worked off campus in different parts of Pune city viz. Gokhale Nagar, PaudPhata, Camp, Rasta Peth, Ganj Peth and Hadapsar. The faculty & students visited these Clinics regularly, interacted with the masses and provided free Legal Aid. The activities initially were started and sustained on voluntary basis and the student contribution was of

Re.1/- per student per term. The following years witnessed expansion of activities including legal advice, counselling, legal awareness, para-legal training programmes and networking among the other institutions.

At present, the ILS Law College has Legal Aid Centre in and off campus. The Centre in the campus works 4 days a week i.e. from Monday to Thursday. Students from last two years of Three Year & Five Year LL.B. Courses take part in this activity. Initially, Legal Aid was a compulsory practical paper. Now the new syllabus prescribed it as a theory paper, hence the students' participation in the College Centre is voluntary. The faculty in charge supervises the Legal Aid activities of the Centre. Other faculty members are also involved. The number of students participating varies from 80 to 100 and 7 faculty members guide them. ILS has four Centres outside the campus:

- a. Deepgriha, NGO, Tadiwala Road
- b. Deepgriha, NGO, Market Yard
- c. Deepgriha, NGO, Hadapsar
- d. Dignity Foundation, Wanawadi

Activities of the Legal Aid Centre

A. Free Legal Advice: The Legal Aid Centre provides legal advice to the poor/needy, women & children. The Centre receives cases which are referred to by different social organizations and also those who approach the Centre on their own. The Centre tries to reconcile the dispute. The students are involved at all stages right from seeking and recording information from the client, researching on the legal point and assisting the lawyers in Court. This gives an opportunity to the students to acquire skills of practice. They learn to take instructions from the client to find out law, to apply the law to set of facts and to suggest course of actions.

B. Legal Literacy Programme: Legal literacy is a very strong component of the Legal Aid Programme. The students under the guidance and supervision of the teachers conduct Legal Literacy Camps in and around Pune, especially in slum areas, villages, labour organizations, women's programmes to inform people about their rights. Subjects like consumer protection, land laws, environment, dowry prohibition, marriage, divorce, inheritance, accident claims are discussed with people. The information is given through lectures, posters, street plays, discussions, etc. Legal Literacy Camps are conducted with the help of Gram Panchayats, Sarpanches, Social Workers and NGOs. The students have also been involved in creating legal awareness in various schools in Pune.

C. Research and Surveys: The Legal Aid Centre actively undertakes research & surveys. Students & teachers are encouraged to conduct research & surveys. The survey/surveys has/have been conducted on different issues like:

- a) 'Problems faced by the Scheduled Caste People in India': 1983-84;
- b) Problems faced by 'Domestic Servants': 1986-87;
- c) Child Labour, Industrial Workers & Consumerism by way of questionnaires: 1990-91;

- d) Problem of sexual harassment of women at work place in 2001-02;
- e) Research project was undertaken of 45 villages for reforming the existing Police Manual and for introducing the concept of 'Lok Mitra' - a concept for bridging the gap between the police and the people;
- f) The project on 'Implementation & Impact of S.498-A of IPC' was undertaken under the Ford Foundation grant. This research collected information from police record and from community to make suggestions.

D. Writ petitions / Public Interest Litigation

Students filed Public Interest Litigations and Writ Petitions in the High Court of Bombay on issues such as Rights of Disabled Person, Rights of Workers of the Film & Television Institute of India, Pune. Students were involved in every stage of the case. They gathered information, collected evidence and prepared documentation, assisted the advocates on panel in research and drafting. The Legal Aid Centre has published several laws in vernacular language. These booklets are distributed during the Para-legal Training Programmes and Legal Aid Camps. The booklets are published on laws relating to child labour, consumer protection, Labour Laws, Constitution and human rights, Panchayati Raj, Criminal laws, etc.

vi. JSS Law College, Mysore, Karnataka

JSS Law College is an autonomous College under the UGC Scheme affiliated to Mysore University. Being an autonomous institution, it has the freedom to frame the curriculum. Legal Aid is incorporated as a part of the curriculum and a senior faculty is entrusted with the responsibility of Legal Aid. Legal Aid is made compulsory for the Final Year students. The students are divided into groups of 13 each with a group leader.

Each group plans and visits nearby villages which are assigned to them on a regular basis. Students maintain a diary to record their visits and also submit a report to the College of the activities carried out by them. The teams organize house to house visits by dividing themselves into smaller groups to ensure that they visit all the houses in a particular area. The main theme of the visit is to create legal awareness on various issues like dowry, women's rights, abolition of child labour and also on Right to Information Act. Based on the visits and after identifying the needs of the community, the College conducts Legal Literacy Camps once a year in the village.

vii. V.M. Salgaocar College of Law, Panaji, Goa

With a strong desire to serve the society dually, by providing free legal assistance to the general public as well as by producing competent and socially sensitive legal professionals, V. M. Salgaocar College of Law started 'V. M. Salgaocar College of Law Legal Aid Society' in 1998. Today, the Legal Aid Society of this College has grown and spread the ambit of its activities all over Goa and beyond, regardless of physical frontiers and is driven only by its sincere desire to contribute in whatever way it can to secure justice to every person in the society. At present, the Legal Aid Society operates 38 permanent Free Legal Aid Cells all over the State of Goa.

The Legal Aid Society works towards achieving its stated objectives in a number of diverse ways. The following are the main modes of operation of the Society:

- A. Working through permanent Free Legal Aid Cells.
- B. Paralegal services
- C. Public Interest Litigations
- D. Other projects

A. Permanent Free Legal Aid Cells

V. M. Salgaocar College of Law Legal Aid Society has setup 38 permanent Free Legal Aid Cells all over State of Goa. These Cells are setup and housed largely in Panchayati (county) buildings, schools, churches or temple premises. These premises are selected on the basis of availability and easy accessibility to the public. The Cells are open to the public once a week, preferably on weekends. The Cells are open to the general public without limitation. Students carry out an awareness campaign about the setting up of the Cell and the services they can offer from the Cell.

These Cells are operated by a team of students who make their services available on every Saturday or Sunday, for a minimum duration of two hours per week. Any person having any sort of law-related problem can go to the Legal Aid Cells and will be helped by students in securing justice, either by their legal advice or, when required, by a positive action such as meeting the other party, filing application before the concerned government officers, or securing free legal service under the Legal Services Authorities Act.

In addition to this, every Legal Aid Cell carries on a sustained campaign for creating legal awareness by conducting village level programs such as seminars, symposia, talks by lawyers, police officers, presiding officers and members of District Consumer Forums. To ensure the attendance of the local population, in addition to releasing information through local media, the student groups visit every house and extend personal invitations. This method has yielded such a rich harvest that even the State Legal Services Authority, for whose programs attendance is usually extremely low, has enlisted the support of the students of the College to secure the presence of the villagers for their programs. The Legal Aid Cell members also function in coordination with other NGOs and participate in any activity meant to advance the welfare of the local populace.

Every Legal Aid Cell member is required to attend the local Gram Sabha. With the association of the Sarpanch (elected head of the Panchayat) and other Panch members, the students are required to ensure attendance of the villagers at the Gram Sabhas. They also take note of the proceedings of the Gram Sabha and the same is kept in their journals as well as supplied to the Sarpanch to ensure at the next meeting that whatever promises are made are fulfilled.

B. Para Legal Services

The members of the Legal Aid Society perform a number of Para Legal Aid services to serve the society. These include visiting jails, registration of marriage, births and deaths, obtaining ration cards, and preparing affidavits. Students also assist the public in preparing and filing various

documents that are required for obtaining benefits under Welfare Schemes.

C. Public Interest Litigation

It is extremely gratifying to note that the students of the College have filed successfully 11 Public Interest Litigations before the Mumbai High Court (Panaji Bench) on various issues ranging from the use of helmets to violations of Coastal Regulation Zones.

During the course of regular lectures and at the Legal Aid meetings, the faculty exhorts the students to be sensitive to their physical and social surroundings. By this process of sensitization to the social situations and persistence of injustice in their own immediate society, the students by themselves are able to identify various areas where they feel that the intervention of the judiciary would bring in immediate succor. Thereafter, the students usually discuss with the faculty, the nature of the problems that they have identified.

The faculty guides them as to how they should further investigate or research the issue to ascertain whether there is a real situation of injustice where the member of the public could be genuinely interested. Thereafter the students are advised to write to the competent authorities who are obliged under law to remedy the injustice. If such authorities do not provide relief, the next step is to approach the media; and the students ensure that the media reports the injustice, callousness or inability of the Government to rectify the issue.

Then, with all the gathered information, the students themselves, with guidance from members of the profession, file a petition before the High Court. Thereafter, the students themselves argue the case before the Court. Thus, this process enables them to develop sensitivity, social concern, and interest in research and most importantly involves them in providing social justice.

This is evident from a few of the experiences of law students in V.M. Salgaocar College of Law. When the State Government failed to constitute a Juvenile Board under Juvenile Justice (Care & Protection of Children Act, 2003), two students from this College brought this to the notice of the High Court and the Court directed the Government to establish the Board.¹⁸ Another Writ Petition was filed by the students for ensuring sufficient parking spaces in newly constructed housing apartments. The Court directed the Town Planning Authority to ensure that sufficient parking spaces be reserved before sanctioning licenses for new constructions.¹⁹ In a writ petition of far reaching importance, students succeeded in persuading the Government authorities to take action against illegal shrimp farming.²⁰ Similarly, when the State Government amended Goa Motor Vehicles Rules to water down the use of helmets by inserting Rule 273A, which exempt usage of helmets by motor cyclists riding motor bikes having capacity of less than 150cc and riding at the speed of 40 kilometer per hour, the students challenged the validity of the Rule. In its judgment the High Court struck down the said rule as invalid.²¹

18. *Anjali Salkar and Others v. State of Goa& Another, Writ Petition (PIL) No: 446/2002.*

19. *DwijpalPatkar& Others v. Mapusa Municipal Council & Another, Writ Petition (PIL) No: 387/2003.*

20. *Anand S. Kuwelkar& Others v. Chief Secretary & Others, Writ Petition (PIL) No: 562/2003.*

21. *Shane Sapoco & Others v. State of Goa & Others, Writ Petition (PIL) NO:354/2003.*

D. Law Reform

In order to encourage and involve the students of the College in the process of thinking about social justice, every year through the process of a faculty meeting, the College identifies an area or legal issue which needs to be addressed. After deciding on the topic, the task is entrusted to two or three faculty members to divide the topic into different areas and to formulate student teams that will investigate, research and study the topic chosen by them. Towards the end of the academic year, the study and findings of the students are presented as a research paper at a State Level Law Seminar. Students are guided by the faculty at every stage.

The first seminar on Personal Laws of Goa resulted in the formation of a Committee by the Government of Goa to formulate suitable legislation to incorporate the existing Portuguese Civil Code, as it exists in the State of Goa. The same Seminar, which was presided by the Vice Chancellor of Goa University, prompted the formation of a Committee to translate a well-known commentary on Portuguese Civil Code by Mr. Cunha Gonsalves.²²

The Seminar on Consumer Protection Law for which the Law Secretary was the Chief Guest, resulted in the setting up of a regular Consumer Forum at the District level, which was earlier operated by a visiting Presiding Officer whose attendance was irregular.

The Seminar on Human Rights of Children, in which many of the NGOs in Goa actively participated, became a starting point whereby the Government of Goa enacted a comprehensive law for the benefit of children called the Goa Children's Act, 2003. The concept of a Children's Court in the Act, not only originated at the deliberations but also the drafting of the Act as well as the rules regarding the Children's Court was done by the faculty of this College.

The seminar on Human Rights of Women, which was presided over by Mrs. Reena Ray, the then Secretary for Child and Women Welfare, Government of Goa, resulted in a group of students addressing the state officials. Their recommendation regarding the working condition of nurses was accepted by the Government of Goa.

The Seminar for academic year 2004–05 was concerning Welfare Schemes and their effectiveness in the State of Goa. The student teams are presently involved in investigating and studying the various welfare measures and their implementation in Goa.



²². Goa was a Portuguese colony and even after its liberation in 1961 when it joined India, the Portuguese Civil Code continues to govern personal laws in the State of Goa. It causes considerable difficulties in administering the Code as it is in Portuguese language. Therefore, the Seminar highlighted the problems of interpreting the Code and strongly recommended for translation of the Code to English.

Financial Aid:

The success story of the Legal Aid Society is not one person's work. It is a collective effort made by the faculty and the students. The dream of institutionalizing social justice has come true through dedication and great sacrifices by the faculty. Both faculty and the students work on weekends, and faculty works with the students without any expectation of financial benefits and without compromising their teaching hours.

Further, the College has no financial funding either from the Government or from private organizations. After prolonged discussions with faculty members, the Principal of the College took the initiative to convince the students to form the Legal Aid Society and made it compulsory for all students to join the Society. Every student member agreed to pay Rupees 300 per annum as a membership fee. The money collected from the students is deposited in a Bank to finance all activities of the Legal Aid Society. One faculty is elected by the entire faculty members as the Co-coordinator of the Legal Aid Society and one student is elected by the students as a student coordinator by the students. Every year the account of Legal Aid Society is submitted for Government audit.

Observations:

Out of seven institutions selected for the study of best practices in India, two are National Law Schools, 3 are traditional Colleges and two of them are private institutions. As a result there are different types of Clinical programs undertaken by these institutions in providing Legal Aid to the needy. A closer look at these programs reveals that V.M.Salgaoar College and Jindal Law School are focused on Rural Good Governance as its primary focus through Legal Aid Cells.

Symbiosis Law School has a unique program of providing Legal Aid by creating Legal Aid Fund and dedicating few lawyers to an adopted village. NUJS has several initiations in association with NGOs. Of late National Law School, Bangalore seems to lose its core Legal Aid programs. ILS had both in house and off campus Clinics. Students of JSS College do a lot of legal literacy on their own initiation.

Other initiations by these Colleges such as Para-legal services, public surveys, community empowerment programs, implementation of Social Welfare Programs, Prison Clinics and Consumer Clinics have the potential of providing access to justice and could be replicated in different parts of the country.

3.6. Best practices in Foreign Countries

3.6.1. Legal Aid Clinics in USA

Law Schools in the United States had established Legal Aid Clinics as early as 1920. The Carnegie Foundation for the Advancement of Teaching summarized the situation in Law Schools and pointed that the legal education lacks the Clinical facilities in comparison with medical and engineering education. Similar opinions were expressed during 1930's and 40's by legal scholars, that the Law Schools failed to train the law students suitable to the profession and lauded the efforts of Clinical legal education in improving the skills and also serving the poor.

However, the Clinical Movement began to gain momentum in the United States only after the Civil Rights Movement and President Lyndon Johnson's War on Poverty (and later, the continuing war in Viet-Nam) which raised the national social conscience in the mid1960s. With Clinical Legal Education coming onto the scene not only on the heels of the Civil Rights Movement and the war on poverty but also at a time of increasing national funding for legal services for the poor, virtually all of the early Clinical programs in the United States operated out of Legal Aid offices.

Clinical Legal Education's primary focus on Legal Aid, social justice, and professional responsibility began to lose some ground in the United States in the 1980s, with a fading of student interest in public interest work. Clinical programs providing wide range of skills of lawyering gained momentum and the Clinics started focusing more on skill development. However, social justice and professional responsibility remain at the heart of Clinical education in the United States.

Majority of the Law Schools in USA offer Clinical Courses offering free Legal Aid to the different sections of the society. These Clinics operate in diversified fields of law. Some of the important Clinics are given below(based on Report of Center for the Study of Applied Legal Education)

1. Criminal Defence
2. Civil Litigation
3. Mediation
4. Children & the Law
5. Immigration
6. Community
7. Family Law
8. Domestic Violence
9. Tax
10. Appellate
11. Transactional
12. Environmental
13. Housing
14. Human Rights
15. Asylum/Refugee
16. Criminal Prosecution
17. Disability Law
18. Health Law



19. Innocence
20. Civil & Criminal Litigation
21. Employment Law
22. Death Penalty
23. Intellectual Property
24. Administrative Law
25. Civil Rights
26. Prisoners Rights
27. Securities
28. Bankruptcy
29. Legislative
30. Wills/Trusts/Estates
31. Consumer Law
32. Live Client Clinics
33. Constitutional Law
34. Corporate Law

The notable feature of the Clinical Programs in USA, is the support it received from American Bar Association. ABA while accrediting the Law Schools gives considerable importance to running of the Clinics. ABA's preference to in-house Clinics over externship also helped in growth of Clinics in USA.

Few initiations from the Law Schools in USA are given below:

A. Community Enterprise Clinic(CEC); Columbia Law School, New York

CEC was started in 1985 with federal funding to help the low-income communities. However the uniqueness of this Clinic is that it assists the non-profit organizations and small business who would provide services to the low-income communities. The CEC does not directly help the community. It represents the institutions which develop affordable services to the low-income communities. The Clinic perceives that helping these institutions would be an effective way of maximizing the benefits when compared to actually providing these services to the individuals.

CEC extends its service all over New York, Harlem and the Organizations that work abroad. It helps the Organizations who intend to provide services to the community to meet the unmet needs. These Organizations range from literacy programs to food pantries, after school programs and affordable housing programs.



CEC provides help in legal aspects such as drafting contracts, lease, employment policies, and protection of Intellectual Property Rights. The Clinic chooses the Organizations which are unable to afford legal services and have a potential for important contribution to the community. Students spend two semesters in CEC. They work in a team of two and the Clinic handles six to nine matters in an academic year. Students also involve in developing legal education, work on legal topic for both community organizations and small business. This Clinic focuses on how to build client capacity rather than monopolizing the expertise. Students also involve in Law Reform under CEC.

Students, who signed for the Clinic, have to undergo a weekly seminar and are under direct supervision for their case work. Seminar course would strengthen the student's understanding of the substantive law, and developing the lawyering skills and professional responsibility. Seminar course also helps the students in understanding the non-legal issues and make them develop effective working relationship with the clients.

For case work, students' team meets the Clinic Supervisor every week to plan and review the work. Generally students prepare the agenda of the meeting and conduct the meeting. The Clinical setup promotes the social justice values and encourages the students to understand the client's needs perspectives, goals and values.

B. Clinics in UB Law School, Baltimore.

UB Law School, Baltimore runs the following nine different Clinics;

1. Appellate Practice Clinic
2. Civil Advocacy Clinic
3. Community Development Clinic
4. Criminal Practice Clinic
5. Disability Law Clinic
6. Family Law Clinic
7. Family Mediation Clinic
8. Immigrant Rights Clinic
9. Innocence Project Clinic



Keynote address by Prof. N.R.Madhav Menon.

Only students who are qualified under Rule 16 ("Student Practice Rule") of the Maryland Rules governing admission to the Bar, alone can apply. Under Rule 16, students with good academic standing, having successfully completed 30 hours of class work, are eligible. A few Clinics which could be replicated in India have been discussed in detail.

◆ Community Development Clinic

The Community Development Clinic offers free, non-litigation legal services to Baltimore-area Community Development Organizations. The Clinic helps the communities to help themselves by

supporting non-profit, small businesses located in underdeveloped neighborhoods. The Clinic also helps the groups promoting affordable housing, community associations, and other locally-based Organizations.

Clinic provides advisory services such as client's structure and forms non-profit Organizations, Corporations, Partnerships, and LLCs; counsel the Boards and staff as to their legal duties and "best practices" in running a non-profit or small business. Often the Clinic helps the organizations to apply for tax exemption as well as in drafting and reviewing contracts. It also advises on what they can and can't do under the law, or under a contract, grant or other legal paperwork. The Clinic also provides training to groups on specific areas of law, and advocates for changes in the law itself when called for.

Admitted law students work directly with clients, in pairs or individually. They take primary responsibility for all client matters under the guidance of full-time Law School faculty. Students participate in weekly seminars and meetings that provide guidance and support on client issues and analyze legal and policy contexts related to community development work. Students gain experience working with clients within a structured educational framework, while helping to strengthen underserved local communities from within.

The Community Development Clinic is a one-semester Clinic. Students are expected to spend approximately 20 hours per week to Clinic matters. Only students who complete first year courses are eligible to be a part of the Clinic.

◆ Family Mediation Clinic

"The Family Mediation Clinic is a three credit, one-semester course. The Clinic collaborates with the Court system and a variety of Maryland legal organizations to provide students with a wide range of opportunities in this expanding practice area. In the Clinic, the students represent clients as they go through the mediation process, co-mediate family law disputes and engage in projects designed to improve the practice of family mediation. Student members of the Clinic are given license to practice law under Maryland Rule 16 and therefore, they are required to have or be currently enrolled in Professional Responsibility. In addition, the students must have at least 40 hours of general mediation training, either through the Mediation Skills Course or through an approved training outside the School of Law."²³ The Clinic has handled cases such as custody of the child, child support and visitation rights.

◆ Family Law Clinic

Under the supervision of the faculty, the students in Family Law Clinic represent low-income clients seeking child custody, support, divorce, adoption and civil remedies for domestic violence. Students in this Clinic also engage in systemic Law Reform Projects aimed at increasing access to justice in family law.

²³. Available at <http://law.ubalt.edu/template.cfm?page=420> (Last visited 10-5-2011)

The Clinic requires three hour weekly seminar that covers topics such as interviewing, counselling, negotiating, case planning, trial advocacy, case reflection and the weekly personal supervision of Clinical faculty.

C. Vanderbilt Law School

Currently Vanderbilt Law School offers 7 Clinics. Brief description of the Clinics is given below:

1. Appellate Litigation Clinic: Students represent individuals with cases on appeal, ranging from immigration to criminal sentencing to general civil cases.
2. Civil Practice Clinic: Students represent individuals in Social Security Disability appeals, and children and parents who need special education services in public schools.
3. Community and Economic Development Clinic: Students represent not-for-profit organizations comprising predominantly of poor persons or providing assistance to the poor and indigent.
4. Criminal Practice Clinic: Students represent the adults charged with criminal offences and children charged with criminal offenses and delinquency.
5. Domestic Violence Clinic: Students represent indigent victims of domestic violence in obtaining orders of protection, and custody matters of unmarried couples.
6. Intellectual Property and the Arts Clinic: Students represent individuals, businesses, organizations, groups and associations in matters in various intellectual property fields including copyright, trademark, publicity rights and trade secrets. The Clinic also offers Community Education Programs on intellectual property and arts-related topics.
7. International Law Practice Lab: Students learn specific lawyering skills such as treaty negotiation, research relating to international law and the intersections of international and domestic law.

D. George Town Law School, Washington

Georgetown University Law Centre has most highly regarded in-house Clinical program. Law School offers 23 Clinical courses through its 14 Clinics each year. These Clinics are supervised by 17 full-time faculty, 26 graduate fellows, and several adjunct faculty. There are about 300 students enrolled in these Clinics every year. The mission of the Clinical Program is to educate students in lawyering skills and at the same time provide quality legal representation to under-represented individuals and organizations. Following are the Clinics:

- ❖ Appellate Litigation Program: Handles a caseload of immigration, Habeas Corpus and a variety of Civil Rights issues in several Federal Circuits and other Courts.
- ❖ Centre for Applied Legal Studies: Provides high-quality pro bono representation for non-U.S.-Citizen refugees seeking political asylum because of persecution, torture and other human rights violations in the country from which they have fled.
- ❖ Community Justice Project: The Community Justice Project started in the fall of 2010. This project provides students the opportunity to directly represent clients, using a variety of tactics.

It is a 10 credit, one semester Clinic. Students in this Clinic use multiple tactics to achieve client objectives, including advocacy, public relations, the use of media, lobbying, legislative and policy drafting and community organizing.

As the whole project is based on the community, students handle different types of cases based on the community needs. Currently, the students are handling cases relating to unemployment. Students who are engaged in these cases prepare necessary documents; interview the clients, handle cross-examination and closing argument before an Administrative Law Judge. They are exposed to the intricacies of the lawyer-client relationship and professional ethics. Students in the Community Justice Project have full responsibility for their cases and receive training in oral advocacy, writing, media relations, and interviewing and counselling the clients. They also take part in policy development, legislative drafting and research.

- ◆ Criminal Defence & Prisoner Advocacy and Criminal Justice Clinics: Students represent defendants in misdemeanour cases.
- ◆ Domestic Violence Clinic: Students in the Domestic Violence Clinic represent victims of intimate abuse in Civil Protection Order (CPO) cases.
- ◆ Federal Legislation & Administrative Clinic: Students in this Clinic work on issues including immigration reform, child welfare, Medicaid, Head Start and Federal Labour and Employment Laws.
- ◆ Harrison Institute for Housing & Community Development: Students in this Clinic empower low income individual and community clients through transactional projects that seek to give those clients ownership and control of housing, businesses and social services in their communities.
- ◆ Harrison Institute for Public Law: Students in the Harrison Institute for Public Law work on the capacity of State and Local Governments to be policy innovators. Clinic students work for clients which include legislatures, agencies and national associations. They analyze law-making authority, present options for policy change, and draft policies based on client choices. Students also work with clients to defend their "policy space" in terms of national pre-emption or impact of international agreements. The Clinic focuses on health, trade and climate policies.
- ◆ Institute for Public Representation: This Clinic operates as a Public Interest Law Firm that focuses on communications, environment, civil rights and general public interest law.
- ◆ International Women's Human Rights Clinic: This Clinic focus on using international, regional, comparative and national human rights law to prevent and redress violations of women's human rights in other countries.
- ◆ Juvenile Justice Clinic: Students in this Clinic represent children charged with misdemeanour and felony crimes in the District of Columbia, typically involving drug, assault, burglary, weapons possession and car theft charges. Clinic students also occasionally represent clients in special education and school disciplinary hearings.

- ◆ Law Students in Court Clinic: This is one of the oldest Clinical programs in the city. Clinic students represent indigent citizens in Landlord/Tenant Court and before local administrative agencies.
- ◆ Street Law Clinic: Students in this Clinic teach practical law to public high school students and adult learners in the District of Columbia. They help their clients learn such important legal concepts and skills as reading, comprehending and completing legal forms, responding appropriately to police and law enforcement and seeking appropriate remedies for legal problems

"Clinic students develop expertise and teach classes in Negotiation, Criminal Law and Procedure, Individual Rights, Torts, Family Law, Consumer Law and Housing Law. Law students engage in substantial research and develop written lesson plans in preparation for teaching their class. Clinic students also learn teaching methodology and relevant substantive law."²⁴

"The Street Law Clinic offers one fellowship per two-year term most suitable for Law School graduates interested in developing teaching, supervisory and research abilities in a setting that combines public education, Clinical teaching and public service. The fellowship experience combines seminar teaching, field supervision of Clinic students, program administration, curriculum development and scholarly research in the context of practical law affecting everyday life. The fellow assists in the instruction and supervision of Clinic students and is trained in Clinical Legal Teaching Techniques and Methodologies."²⁵

The Graduate Clinical Fellowship Program: This is unique programs which offer new and experienced attorneys an opportunity to combine study with practice in the fields of Clinical Legal Education and Public Interest Advocacy. Each fellowship is associated with one of the Law Centre's Clinical Programs. The goal of these Clinical fellowships is to provide highly motivated lawyers the chance to develop skills as teachers and legal advocates within an exciting and supportive educational environment.

More than 100 Georgetown fellows are now teaching at Law Schools across the country, including five Deans of Law Schools and several more Associate Deans or Directors of Clinical Programs. Many others are leaders in public interest law, across a wide variety of subject areas.

Fellows enrol in a two-year program during which they are in residence at a particular Georgetown Clinic. Fellows directly supervise J.D. students enrolled in the Clinics, assist in teaching Clinic seminars and perform work on their own cases or other legal matters. Fellowships usually begin in the late summer, with an intensive orientation designed to introduce fellows to Clinical teaching methods. The orientation is part of a year-long Teacher Training Course, entitled Elements of Clinical Pedagogy. Upon completing the requirements for graduation, the fellows are awarded the degree of Master of Laws (Advocacy). Each year, Georgetown offers twelve to fourteen Clinical teaching fellowships

Overview of Clinics in USA

The Clinical programs in USA are way ahead compared to the programs in India. In most of these Clinics, Legal Aid is provided by the students with the help of trained practicing lawyers. Most of the Law Schools have dedicated faculty for Clinical programs. Most of the Clinics provide academic credit to the students involved in Clinical programs. There seems to be seriousness in offering quality Legal Aid to the marginalized section of the people.

Important facts of Legal Aid Clinics in USA²⁶

1. Average Class Size

The average class size in a Clinic ranges from 8 to 11 students. About 47.3% Clinics in USA have 5-8 students and 26.6% Clinics have 9-12, 11.7% Clinics with 13-16 students. The highest number of students in a Clinic is 17-20 (3.7%) and the lowest is 1-4 (6.6%).

2. Length and Terms of Enrolment

The minimum term a student needs to undertake in a Clinic is one semester as 65.6% of the Clinics offer one semester whereas about 25.6% Clinics require two semesters.

3. Total Credits Awarded

The academic credit given to the Clinical Course varied from 3 to 7.

4. Classroom Student/Teacher Ratio

The most frequent student-teacher ratio for the classroom component of in-house Clinics is 8 to 1 (38.1%), followed by 4 to 1 (11.2%), 6 to 1 (9.3%), 5 to 1 (8.7%), 10 to 1 (7.9%), and 12 to 1 (5.2%).

5. Casework Student / Teacher Ratio

The lowest student-teacher ratio for the casework component of in-house Clinics is 4 to 1 (9.3%), followed by 5 to 1 (15.3%), 6 to 1 (15.1%), 8 to 1 (33.7%), and 10 to 1 (7.1%).

6. Focus of the Classroom Component

Every Clinical Course usually has a classroom component. The greatest portion of classroom component time is devoted to skills instruction (22%), followed by case discussion (21%), substantive law (20%), simulation (15%), ethics/professional responsibility (12%), and "other" (9%).

7. Number of Clients Represented by Clinics

Three hundred and fourteen Clinics report a total of 22,441 civil clients per semester (with organizational clients counted as 1), or about 71 clients per Clinic per semester. Extrapolating to all Law Clinics at all ABA accredited Law Schools, the approximate total number of clients provided with civil legal services by Clinics at these schools during the fall and spring semesters each year (without factoring in clients represented during summer sessions) is almost 90,000.

24. Available at <http://www.law.georgetown.edu/clinics/dcstreet/intro.html#community> (last visited 10/5 – 2011)

25. Ibid

26. David A. & Robert R. Kuehn Report on the 2007 - 2008 Survey Centre for the Study of Applied Legal Education

8. Major Challenges to In-House, Live Client Clinics:

The major challenges face by in-house, live client Clinics are given below;

1. Lack of hard money (18.1%);
2. Other demands on Clinical faculty's time (18%);
3. Insufficient number of Clinical faculty (16.2%);
4. Lack of physical/office space (15.7%);
5. Lack of support among doctrinal faculty (9.6%);
6. Lack of administrative/secretarial support (8.1%);
7. Lack of support from the administration (8.1%);
8. Lack of student demand (3.9%); and
9. Others (5.3%).

The study into Clinical Programs in USA reveals that Law School based Legal Aid Clinics can do a meaningful work in providing access to justice to the marginalized communities. However, to realize such a task there is a need for institutionalizing the Legal Aid Clinics and the Clinical Programs need to be built into the curriculum with vigour.

Though there is a vast difference between India and USA, several initiations undertaken by the Law School Clinics in USA could be a role model for Indian Law Schools. Particularly, Street Law Programs and Community Empowerment Programs have a greater potential in India.

3.6.2. Legal Aid Clinics in South Africa

Legal Aid Clinics in South Africa were established with a dual purpose of providing legal services and access to justice; to teach law students practical skills. Law Clinics were established in South Africa during 1970's primarily to help the victims of apartheid and human rights violations. First Legal Aid Clinic in South Africa was established by law students at the University of Cape Town in 1972 and it is managed by the students with supervision by legal practitioners from outside the University. By 1981 14 Universities in South Africa established Clinics. At present nearly all Law faculties and Law Schools at Universities operate Law Clinics. These Clinics employ Directors who are practicing attorneys or advocates. Few Universities appoint staff for the Clinics on contract base. Street Law Program which started in the 1970's in USA is a very successful program in South Africa.

Information was collected from five top most Clinics in South Africa. A brief description of their activities is given below:

A. Oliver Schreiner School of Law, University of the Witwatersrand

The University of the Witwatersrand Law Clinic has been in operation for almost thirty-five years. It started as a small advice office with the assistance of students who participated on a voluntary basis. Today, the Wits Law Clinic is one of the biggest Law Clinics of its kind in South Africa, and known for its



work, particularly in areas of Public Interest Law and claims against the State as a result of police brutality.

The clients of Wits Clinic are mostly indigent residents of the greater Johannesburg area. The Clinic also provides referral services when the Clinic is unable to assist in a particular matter. It is currently staffed by ten practicing attorneys, twelve candidate attorneys, an Office Manager, two secretaries, one filing clerk and a receptionist.

Clinic provides specialized assistance to clients on a range of legal problems such as divorces and custody disputes, family violence matters, labour matters, criminal matters, contractual claims, consumer related matters, delictual claims (torts), evictions, housing and land related matters. It also offers representation to clients in various Courts such as District Magistrates Court and Constitutional Court.

Further, Wits Law Clinic operates several specialized Clinics on different days. The details are given below:

1) Family and Gender Unit

Hours of opening - 8:00 a.m. to 11:00 a.m on Mondays.

2) Consumer Unit

Hours of opening - 8:00 a.m. to 11:00 a.m. on Tuesdays.

3) Labour Unit

Hours of opening - 8:00 a.m. on Wednesdays.

4) Refugee Unit

Hours of opening - Mondays from 12:00

5) Criminal Law Unit

Hours of opening - 8:00 a.m. to 11:00 a.m on Fridays.

B. University of Western Cape, Faculty of Law

The UWC Legal Aid Clinic is one of the best Clinics in South Africa. The Clinic forms part of Faculty of Law at the University of the Western Cape. The Clinic is an accredited Law Clinic and operates with the permission of the Cape Law Society and in compliance with the guidelines prescribed by the Association of Law Societies. It fulfills these twin needs of access to justice for its indigent clientele and by providing senior law students with Clinical legal education and training. The Clinic provides legal services in a range of legal matters to the poor and marginalized communities in the surrounding Cape Metro, Boland and West Coast Region of the Western Cape. The Clinic seeks to acquaint the students with the socio- legal problems of our indigent clientele and to instill in them a sense of social responsibility, thus ultimately producing a better quality graduate.



C. University of Pretoria Law Clinic

In 1980, the Law Clinic was founded by students as a voluntary service for those who could not afford legal advice. However, the Clinic grew to an established and streamlined organization that forms a valued part of the Faculty of Law and provides quality legal services to the indigent and superior Clinical legal education to final-year law students.

Through the Clinic, final-year law students and candidate attorneys are offered a unique opportunity to practice law while being mentored by experienced Clinic lawyers. Due to the variety of projects that the Clinic is involved in, the following divisions exist in the Clinic to deal with the various projects:

Civil Litigation;

Debt Counseling;

Hatfield Community Court and Criminal law;

Research and Short Courses; and

Special Projects

The Clinic's branch offices in Hammanskraal and Mamelodi provide legal services and advice to the poor and often marginalized communities in the surrounding rural and semi rural areas.

The Law Clinic forms part of the Faculty of Law and is statutorily recognized as a Legal Aid Clinic in terms of the Attorneys Act 53 of 1979 (as amended), duly certified and accredited as such by the Law Society of the Northern Provinces.

D. University of KwaZulu-Natal

It operates two Law Clinics in its campus in Durban and in Pietermaritzburg. The Campus Law Clinic specialises in providing legal services in the areas of HIV and AIDS (e.g. unfair dismissal due to status); Family Law (e.g. divorce, maintenance, custody and domestic violence); and Social Justice (e.g. housing and eviction matters). Most of the clients served by the Clinic live in rural and semi-rural areas. As a result, the Clinic staff and students often travel to remote areas in order to provide vulnerable communities with access to justice. In addition to offering free legal services, the Clinic together with local Non-Governmental Organisations and Paralegal Advice Offices, conducts workshops and awareness raising programmes aimed at empowering poor communities and educating them in relation to their legal rights.

● Street Law Program

The uniqueness of the Clinical Program in this University is its Street Law Programme run under the auspices of the Faculty of Law which teaches school children, prisoners and communities about their legal rights. About 100 students participate in the Street Law Programme every year and they visit nearly 100 High Schools and Westville Prison in the Thekwini Municipal area. The Head Office of the National Street Law Programme is located on the Howard College campus. The Community Law and Rural Development Centre (CLRDC) in Durban is affiliated to the Faculty of

Law and provides training and support for a network of 35 Paralegal Advice Offices situated in rural areas in KwaZulu-Natal.

Unlike other Advice Offices in the province, the Centers are based at police stations and Magistrate Courts. This is in order to offer convenient access for clients and to be able to work easily with criminal justice services – for example by helping clients to report a crime, assisting with counseling and taking statements, and applying for Court orders and affidavits. Since 1997 coordinators have attended to approximately 100,000 cases.

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.

In order to address clients' problems, the staff uses the following strategies:

- ◆ They offer counseling to traumatized clients.
- ◆ They provide legal information in order to inform people of their rights and possible courses of action.
- ◆ They work in partnership with Government Departments and private organizations in order to maximize the provision of services to clients.
- ◆ They assist clients with out-of-Court mediation and conflict resolution.
- ◆ They conduct presentations and focus on groups in communities to educate them about their rights and how to access them, so that they can solve their problems independently.
- ◆ They participate in Community Development And Training Projects

E. University of Rhodes

The Rhodes University Law Clinic primarily aims to provide free legal services to indigent people. Every Rhodes law student is required to spend at least one semester in the Clinic and it is this experience that contributes to the students' marketability when they search for employment.

The Clinic operates as a full-fledged Attorney's office, from two branch offices (Grahamstown and Queenstown). It is staffed by 13 professional staff, 8 administrative staff and approximately 80 part-time senior law students.

Apart from free legal services to indigent people, the Clinic also conducts an extensive community outreach programme via its Advice Office Program which provides training and back-up legal services to approximately 45 Para-Legal Advice Offices throughout the Eastern Cape Province.

The students register for a one hour commitment per week at the Clinic where they consult with clients on the Clinic premises, give advice and take on legal instruction. Each student is allocated approximately 3-6 clients whose cases they handle under the close supervision of an attorney.

Students play an important role in the Clinic's ability to offer a high quality and wide service to the indigent population of Grahamstown.

3.6.3. Legal Aid Clinics in Australia

The Clinical movement developed in Australia in 1960's mostly as a new teaching approach to enhance the case method of law teaching. Monash University, La Trobe University, and the University of New South Wales took the lead in developing the Clinics. However these efforts were purely voluntary from the faculty and the students. Interest in Clinics was reactivated by the reforms to the University sector in 1987. Mid 1990's saw the establishment of prominent Clinical Programs in several Universities.

A. The University of Newcastle

The University of Newcastle Legal Centre (UNLC) is both a community legal service and a teaching facility for law students. The UNLC was established in 1994 as an initiative of the Newcastle Law School. The UNLC operates as a Community Legal Centre, providing free legal advice and assistance to members of the community in the Hunter region. The operations of the UNLC are directed to the provision of assistance to disadvantaged members of the community, focusing on those people with limited financial means or on matters in the public interest.

UNLC provides free legal advice and information in a range of matters including:

- ◆ Debt
- ◆ Motor vehicle accidents
- ◆ Family law
- ◆ Tenancy
- ◆ Victim's compensation
- ◆ Consumer and fair trading issues
- ◆ Employment
- ◆ Neighbour disputes
- ◆ Criminal law
- ◆ Public interest matters
- ◆ Discrimination
- ◆ Mental health
- ◆ Wills, Powers of Attorney, enduring guardianship
- ◆ Social security

UNLC also provides referral services to the clients when it cannot assist the clients. UNLC has the following criteria for undertaking a case:

- ◆ Whether the case will assist students in their legal education?
- ◆ Financial situation of the client
- ◆ The likelihood of success in the case
- ◆ Whether a University of Newcastle Legal Centre solicitor is available to take the case?
- ◆ Whether there are issues of a potential miscarriage of justice or potential for law reform?

UNLC also offers free legal advice on a drop in basis on Wednesday afternoons. These sessions are staffed by UNLC solicitors and current law students between 1:30pm and 4pm. It also offers free legal advice by appointment only on Wednesday evenings. These sessions are staffed by volunteer solicitors from local law firms and current law students. Appointments would be taken during 6p.m., 6:30p.m. and 7:00p.m.

In addition to advice sessions and an ongoing file load, the UNLC and other School academic staff have taken on a number of major cases which have had significant public interest value and in which students have played an important role. UNLC undertook a Street Law Program for beachgoers by providing free legal advice this summer as a part of the innovative 'Law on the Beach' Program.

B. Kingsford Legal Centre (KLC): University of New South Wales, Australia:

KLC provides legal services to the local communities in Randwick and Botany Local Council in Sydney. It is actively involved in advising, casework, community legal education and law reform. It receives funding from both; Federal and State Government, Local Government and other foundations.

KLC provides legal advice to any person from the local community. KLC looks at the clients' income, ethnicity, gender, age and disability in accepting a case. Mostly the Clinic accepts the cases in the areas of discrimination and employment matters. KLC also advocates for law reform when they find repeating patterns emerging from the caseworks.

KLC offers three Clinical programs, viz the Generalist Clinic, Employment Clinic and Family Law Clinic. Fourth and fifth year law students can choose any one of the Clinic. Intake for the Clinics is 24 students for Generalist Clinic, six in Employment Clinic and six in Family Law Clinic. Clinic is a one semester course with 12 week program. In addition to these Clinics, KLC also facilitates up to 500 other law students in interviewing the clients at the centre as a part of Legal Ethics Course.

KLC helps to empower the community by addressing both, the individual problems and the issues affecting the community as a whole. The services go beyond the traditional lawyers services and the students use methods like media, educating the community about their rights, discussions with the community, collaborating with NGOs and encouraging law reform. Clients are encouraged to actively represent themselves in resolving their disputes.

Each student in the Clinic would be allotted two to five casework with a different supervisor for each file. Mostly cases undertaken are on Discrimination Law, employment, debt, traffic and other fines, victims' compensation or housing. Students interview the clients, draft letters and legal documents and in some cases represent the clients in conciliation and negotiation proceedings.

In the Community Development Programs, the KLC uses several interactive methods like theatre, storytelling and small group work. The students who involve in these activities are asked to write reports. These activities make the students not only understand the community needs but also develop advocacy for community needs.

Data collected from USA, Australia, South Africa, England and Canada. Findings shows that though the Clinical programs focusing on Legal Aid to the poor started in USA and India during 1960's, the

Clinical programs in USA is way ahead compared to the programs in India. Initially the Clinical Programs in USA received Federal Grant and today most of the Law Schools in USA have well-developed and institutionalized Clinics offering several legal services to the community. Similar findings emerged from other countries. In most of the countries, Legal Aid is provided by the Law Schools Clinics with the help of trained practicing lawyers. Most of the Law Schools have dedicated faculty for Clinical Programs.

Many of the Clinics provide academic credit to the students involved in Clinical Programs. There seems to be seriousness in offering quality Legal Aid to the marginalized section of the people in these countries. Several initiations undertaken by these Clinics could be a role model for Indian Law Schools. Particularly, Street Law Programs and Community Clinics undertaken by Law Schools in USA and South Africa have a great potential in India. .



A Thank you from Principal M.Pinheiro



Collage of College activities

CHAPTER - IV

4. Suggestions and Recommendations

Though Legal Aid is a necessary component of the compulsory practical papers for the LL.B. Course all over India as per the Bar Council of India Regulations; Legal Aid activity in most of the Law Colleges is carried out merely to fulfill such requirement. Hence it lacks consistency, direction and purpose and is not implemented rigorously. Appropriate regulations and guidelines along with adequate financial resources must be made available to the Law Colleges so that they are effectively able to organize and maintain Legal Aid Clinics at the College level and thereby tap the vast human resource in India, namely the law students' knowledge pool.

By having effective and functional Legal Aid Clinics, two important objectives could be achieved. Access to Justice could be achieved by the appropriate use of the human resources available in the form of law students and appropriate use of this knowledge pool can greatly help in creating necessary legal awareness which is the first step for effective access to justice. The objective of access to justice is indeed a challenge to a country where wide disparity of incomes, rampant poverty and illiteracy exist as a bane in the economic and social development. This is specifically so in the seven States in which the project was undertaken as compared to other States in India.

Secondly, the student involvement in Legal Aid activities enhances their learning experience resulting in sharpening of legal as well as inter-personal skills and also creates socially sensitized and relevant lawyers.

Law School based Legal Aid Clinics in addition to providing law students with real-life work experience and aid in developing legal awareness and skills, also helps in promoting and protecting legal and Constitutional rights, and has a potential of transforming the society. These Clinics instill the spirit of social justice and public service in law students and in turn are able to reach the un-reached. Students working in the Clinics if properly supervised by a law faculty, have a dual benefit of learning lawyering skills and appreciating professional responsibility and on the other hand securing access to justice to the marginalized and disadvantaged groups. Students in Law Clinics would be exposed to poverty lawyering and in the process they would be able to understand the root causes of poverty which will enable them to innovate both legal and non-legal remedies.

Legal Aid Clinics unlike other initiatives require modest financial investment to start with. They can be quickly assimilated into most Law Colleges as there is a mandatory requirement of BCI that each College shall have one Clinic in the College. A venture of this sort which would result in bringing about access to justice to the rural and marginalized poor requires the various stake holders to undergo a paradigm shift in their policy and perspective towards an issue of this nature. The Law Colleges as well as the regulatory authorities including the Government of India need to reframe and adopt a system of collaborative venture wherein the appropriate sharing of responsibility would result in better and effective functioning of this system.

Therefore, the following suggestions are made for each of the stakeholders.

4.1. Policy Recommendations for Law Colleges:

Kinds of Clinics

Based on the location of the Clinics, they can be broadly divided into two categories, namely 'On-Campus' and 'Off-Campus' Clinics.

On-Campus Clinic: This type of Clinic is the easiest to establish. The College intending to start an On-campus Clinic needs to identify the place for the Clinic to operate within the premises of the College. A room with minimum office furniture would be sufficient to start with. Computer, printer, stationery and such other requirements could be easily procured from the College itself, as the Clinic would be located within the campus.

Off- Campus Clinics: Any Clinic operating outside the campus of the college would be an Off - campus Clinic or 'Community Clinic' as mostly the Off-campus Clinics are situated in the community where the Clinic intents to serve. Once the College decides the geographical area where they intent to provide Legal Aid, they need to explore the opportunity to set up the Clinic and identify a suitable venue for the same.

The venue needs to be easily accessible to the public. College may approach the local bodies/institutions like the Panchayat, Municipality, Schools, Temples, Churches, Courts, Clubs, NGOs for a room to operate their Clinic. The Clinic's activities being for a social cause, the office space need to be free of cost as well as open at the time of functioning of the Clinic. In case of difficulty in obtaining such a space, the College may seek the help of District Legal Services Authority.

Structure of the Clinic: For effective functioning, Clinics need a proper structure. Even though ten students in a Clinic would be ideal, keeping in mind the large number of students involved, the number of students in a Clinic may be extended to not more than 20. Each Clinic needs a student co-coordinator with an assistant coordinator. Each Clinic should be supervised and monitored by a faculty in-charge. A panel of lawyers either from the alumni or from the adjunct faculty needs to be established to help in addressing the cases that come before the Clinic. Further, the College should also form a Committee for Legal Aid. It may consist of representative from the management, faculty, students and the adjunct faculty. It would advise the Clinic on policy and finance.

Functional Timing: Timing of the Clinic need to be identified and such timing must be constant for the Clinic. In case of On-campus Clinics, the timing needs to be either before or after the class timings to ensure the attendance of the students. The days of the week when the Clinic would be functioning, should also be determined. The Clinic being in the College can operate on any day. For Off-campus Clinics also, the timing needs to be constant and convenient for the public as well. Further, as it operates on others' premises, the timings should be fixed after considering the availability of space. Ideally, Off-campus Clinics should operate during the weekends, so that the community gets an opportunity to visit these Clinics. For example the Off-campus Clinics can work every Saturday evening or on Sundays. The Clinic needs to operate at least 2 to 3 hours. The timing and the days on which it operates need to be publicized and advertised on the Clinic premises.

Focus of the Clinic: Clinics need to have focus areas and should understand their limitations as well. Particularly the On-campus Clinics need to decide the types of services they can offer depending upon their resources. It is always better to focus on few services. Examples of focused areas are Consumer Clinic, Family Law Clinic, RTI Clinic, Legal Advice Clinic, Labour Law Clinic, Entitlement Clinic or Street Law Clinic (Legal Literacy Clinic). The Clinics can have referral services in case of any client approaching for services which are not offered by the Clinics. The Off-campus Clinics could have a need based (geographical) focus and they could also have referral services in case of any legal issues beyond their capacity.

Visibility of the Clinic: A well-directed advertising must be carried out before establishing the Clinic. Students may conduct door to door campaigning about the Clinic and its services. Advertisement may also be through newspapers, posters and distribution of leaflets.

Training the Students: Once the focus of the Clinic is decided then the faculty needs to identify educational objectives and the utility of the services to the community. Faculty is required to select carefully the learning experiences that are likely to be useful in attaining those objectives. The selected learning experiences must be properly organized for effective instruction. Care must be taken that the chosen program must be capable of providing adequate work for the students. The activity must be designed to involve the students in such a manner as to augment their professional responsibility.

The course content, guidelines regarding supervision and assessment need to be taken care of. The faculty should identify specific tasks for the students and these specific tasks should be justified and organized. While allotting the tasks, the faculty must consider the limitations of the students in undertaking such activities.

After selecting the clinical activity and before allotting the tasks to the students, the faculty must identify the educational goals of such activity and the same may be shared with the students. Anything which is made mandatory is looked upon with disdain. Therefore, convincing the students about the objectives and goals of the activity would lead to better participation from the students.

For example, if the faculty selects Legal Literacy Camp as a Clinical activity, the faculty needs to identify the area of law, research on the existing law, prepare the information in simple vernacular language, identify target group and select the medium of imparting the information.

Students need to be informed about why such an activity was undertaken, what is expected from the students, what skills would the students gain by participating in such activity and how would it be beneficial for the society. For example any activity on pre-trial preparation or alternative dispute resolution techniques would be beneficial if the students would be participating in Lok Adalats or conciliation proceedings. Similarly trial advocacy could impart litigation skills to the students.

To give such an experience to the students, basic Clinical activities which provide basic skills to the students need to be designed. For example, faculty should conduct basic activities such as client interviewing, counseling, negotiation and conciliation, Moot Courts, trial advocacy, pre- trial preparations and case analysis.

Funding for the Clinic: Financial aid is one of the fundamental problems faced by most of the Legal Aid Clinics. Though the Legal Service Authorities are empowered to fund the Clinical activities, in reality very few Clinics get funding from them. Therefore, the faculty and students should conduct a brainstorming session to identify the possible donors. Each College should have a Finance Committee consisting of representatives from the faculty and the students for preparing budgetary allocation for the Legal Aid activities. Few suggestions for raising the funds are given below:

- a. Colleges could charge a part of the fee as Legal Aid fee or membership fee for the Legal Aid Clinic.
- b. Approach clubs like Lions Club and Rotary Club for contribution.
- c. Approach NGOs having similar mission.
- d. Approach Consumer Organizations and Corporates
- e. Colleges could keep donation boxes for Clinical activities.
- f. Approach alumni.
- g. Approach Law Firms.
- h. Approach philanthropic organizations.
- i. Approach concerned Government Departments. For example for social welfare activities, Clinics can approach the Social Welfare Department. Labour Clinic can approach Labour Department and the like.
- j. Organize some cultural activities for raising the funding.

Collaborations: Law School Clinics need to collaborate with all the stakeholders. Linkages can be developed with DLSA, Youth organizations, Clubs, NGOs, Government authorities, Local Government bodies and religious institutions. However, care must be taken to clearly lay down the responsibilities and tasks of the collaborators. Students should not be treated as a cheap labour carrying on the clerical work or merely organizing the programs.

Networking: Networking among the Law School Clinics is another aspect for strengthening the Legal Aid services by the Clinics. Networking would enable the Law School Clinics to adopt best practices and learn from the experiences of other Clinics. Networking with other stakeholders by sharing the information and resources would increase the reach of Legal Aid Clinics in meeting the legal requirements of community. In addition to using internet, list-serves, face book and other social networking sites, bringing forth a journal exclusively publishing the methods and methodologies of Legal Aid activities of the Clinics, would be of great help. Students and faculty need a platform for sharing the ideas. Therefore, exchange programs between the faculties and students of different Law Schools would immensely help in creating better methods of Legal Aid Programs for the needy.

Need based Approach: While deciding to start a Clinic whether it be, On-campus or Off-campus Clinic, the focus of the Clinic should be need based. Faculty and the students must conduct a social survey to find out the legal needs of the community they want to work for. After identification of legal needs

the programs of the Clinic must be organized to address those needs. Even in case of legal literacy, the Clinics should have an idea what the community wants rather than going ahead with what Clinic is comfortable in offering as legal literacy. Following are a few suggested models to provide access to justice to the marginalized and at the same time improve the lawyering skills of the students. They are of course not exhaustive.

i. Legal Literacy Camps/Street Law Programs

In a country like India, where about 260 million people live below poverty line and some two-thirds of a population of more than a billion is dependent on agriculture,¹ focus on legal literacy programs is extremely important. Law Schools can play a major role in sensitizing the public about their legal rights and duties. Legal Literacy Campaigns are suitable programs which can be organized by the Law Schools in India. They require neither large financial resources nor special expertise. These programs help students in developing important organizational skills, research, oratory, public speaking and translation skills.

However, conducting Legal Literacy Programs by just confining to public talks is of no use. These programs need to be planned carefully. The condition precedent for the success of literacy programs is that it should be need based. The area for literacy must be identified after assessing the legal issues in the community. Before undertaking Legal Literacy Program, the Clinics must comprehend the following aspects:

- ◆ Identify the target group
- ◆ Identify their legal needs
- ◆ Carefully choose the topic of legal literacy based on the needs
- ◆ Faculty must make sure that the students know the complexities of the topic so selected.
- ◆ Students and the faculty should conduct proper research to comprehend the intricacies of the topic.
- ◆ Make the students to identify the educational goals of the program.
- ◆ Identify the outcome of the program.
- ◆ Develop suitable teaching pedagogy and lesson plans.
- ◆ Identify the venue, timing and number of visits required for completing the Literacy Program. Venue should be easily accessible and the timing must be suitable for the target group.
- ◆ Identify the experts if necessary.
- ◆ Prepare the Budget for conducting the program.
- ◆ Form collaborations with other stakeholders in organizing the program
- ◆ Few examples of target groups: Schools, Colleges, Mahila Mandals (Women's Groups), Anganwadis, Self-help groups, inmates of a prison, workers, trade unions, Public Information

Officers of various State Authorities for RTI, school teachers for identifying and preventing child abuse, youth organizations, Lions and Rotary Clubs, consumer associations, and senior citizens associations.

ii. Free Legal Advise Clinics

Law Schools can also establish Free Legal Advice Clinics in schools. In the Clinic, the students and teachers can guide people in identifying their problems and make them aware of the remedies available to them. These services are invaluable not only because they save prospective clients' time and money but also because they can reduce unnecessary litigation. These Cells give ample opportunity to the students to learn interview techniques, fact finding and research skills. However, before undertaking this activity following aspects need to be considered;

- ❖ Students must be trained in client interviewing and counselling techniques.
- ❖ Policy on maintaining the records must be formulated.
- ❖ Personal information of the client's needs to be protected and the privacy of the client need to be safeguarded.
- ❖ A panel of lawyers may be identified and students must have regular meetings with the panel.
- ❖ Proper research should be conducted before giving the advice.
- ❖ In case the problem involves legal issues beyond the expertise of the Clinic, client may be referred to the concerned experts.

iii. Legal Entitlement Programs

With a large number of families living below the poverty line in India, students can be trained to conduct legal research on welfare benefits floated under various Social Welfare Schemes by State and Federal Governments. This kind of research will be necessary to identify the beneficiaries under various schemes and to help them in submitting applications.

Proper research on these beneficial provisions is more than a necessity to identify the beneficiaries and to see that these measures actually reach the needy. This kind of work develops a sense of social responsibility in students and exposes them to the plight of their country's poor. This program has the potential to impart several skills like fact investigation, research, legal analysis and interviewing skills to the students.

iv. Para Legal Services

Students can provide paralegal services such as drafting affidavits, assisting in registration of marriages, births and deaths, electoral rolls and filling out various forms. Law Schools can do this easily by associating with Local Self-governments, such as Panchayats (counties) and Municipalities. These kinds of services would help to develop several skills such as drafting, research, interviewing and fact finding skills. At the same time paralegal services provide greater help to the public in securing their basic legal entitlements. Before undertaking such activity students must be trained in those areas. Clinics must have all the forms, applications and sample documents for undertaking such activity.

In case of Social Welfare Schemes, the students may conduct camps in a particular locality for one or two identified schemes. Before organizing the camp they should make a door to door campaign in the vicinity of the camp. On the day of the camp, the students should be divided into groups with specific task assigned to them. The students and faculty must carry sufficient applications, forms and other materials required for such activity. Involving the Local Government and other organizations in this kind of activity would not only minimize the financial liability of the Clinic but also ensure the greater public participation.

v. Community Mediation/Open Forums

Another option for Law Schools is to adopt a village and encourage students to conduct a survey to identify the problems that the people in that particular village face. After identifying the problems, the students can approach the concerned authorities and arrange a public forum. Villagers can be duly informed about the program and can participate in the forum. People can meet the concerned officers on that particular day and can settle their grievances in public.

Students can be instrumental in the smooth functioning of the entire program and they can follow up the matter with the concerned officers. These kinds of programs are very effective in settling problems, as the officers after having given an assurance publicly, are less likely to retract from those promises. This kind of programs will help in developing skills of legal research, survey techniques, organizational skills, problem solving skills, drafting and communication skills.

vi. Theatre Art

Law Schools also can encourage and train the students in street plays, skits and public performances for legal literacy and to advertise the free Legal Aid available at their Colleges. Law Schools can take the help of various NGOs in training the students. Various issues such as untouchability, gender discrimination, domestic violence, entitlements under various schemes, children rights and environmental issues can be the subjects for such plays. Students can even go to nearby schools and educate school children about the legal issues that concern them. Skills that could be impacted by this method is oratory, communication, public performance, drafting and analytical skills.

vii. Pro bono representation in Quasi-Judicial Bodies

Even though students are debarred from representing clients in Courts, they may be encouraged to undertake cases in quasi-judicial bodies like Consumer Forum, Labour Commissioners, RTI Commission and Industrial Tribunals. In these Tribunals, the students can actually represent the client as the restriction on representing clients applies only to the regular Courts. It has a potential to offer all the skills required for a lawyers.

viii. Public Interest Lawyering/Litigation

Students can be encouraged to undertake legal research on issues of public importance, and the findings can be placed before the concerned officer (who is responsible for implementation) for effective implementation. In case of inaction by the Officer concerned, the students can approach either the High Court or the Supreme Court for redressal in the form of Public Interest Litigation. In all appropriate Public Interest Litigations, students can appear before the Court. In the process, they not only learn all the skills including advocacy but improve the quality of human life.

ix. Law Reform

In India the system of legislation has unfortunately not been people centric but mostly party centric or politician centric. This is one of the reasons for the wide gap between aspirations and implementation of legislations. There is an urgent need to make the legislations need based and people centric so as to enable the legislations to 'reach the unreachable'.

Law students can play a pivotal role in filling the gaps in the legislation and its implementation. The availability of law students who are not partisan or party centred is a valuable resource to be used in law reforms. Law students through their Legal Aid Cells or otherwise could undertake research in various areas may be relating to the non existence of a law or non or improper implementation of laws or even regarding the injustices perpetuated by law or perpetuated by the manner of implementation of law. Each of the Law Schools could undertake a research project relevant to the area where it is situated.

The students of the College, through and with the guidance of the faculty could undertake field research to ascertain the realities. Based on such research findings, the Colleges by themselves or in association with other Colleges or NGOs could undertake the exercise of framing legislations. Such draft legislations could form the basis of law reform in the country. The student participation in the research and thereafter in the formulation of the legislation will equip them with necessary skills and knowledge to enter the profession. The Bar Council, UGC, Universities and the Colleges could promote such activities by instituting awards, prizes or even publication of such research findings and draft legislations. Such activities could also be inbuilt into the curriculum for the purpose of giving due academic credit to the students.

4.2. Policy Recommendations for Bar Council of India (BCI)

Legal education was brought under the control of the Bar Council of India in 1961 by the Advocates Act, 1961. The BCI has time and again framed several rules prescribing minimum norms to establish and run the Law Colleges. These efforts resulted in enormous growth of Law Colleges throughout the length and breadth of the country. Thus legal education became more affordable and assessable. However, this process unfortunately resulted in establishing substandard institutions, and consequently resulted in uncontrolled expansion of legal education and compromising of the quality of new legal professionals entering the profession.

Several of the factors which are capable of improving legal education and the profession, have been overlooked for a long time. Considerable efforts have been made for this purpose by the controlling bodies such as BCI and UGC, but these efforts have been mostly aimed at improving physical infrastructures of the Colleges and to some extent modernizing the curriculum content.

The change of role of the lawyer from litigator to justice provider requires new array of social skills. Reforming legal education requires changes not only in the physical infrastructure but a considerable amount of resources need to be diverted towards development of human resources, developing socially relevant curriculum and teaching pedagogy, method of recruitment, funding for Clinical activities and management of Colleges.

BCI being the primary controlling body of legal education, it should take lead in developing new teaching methodology and training manuals. In the year 2008, the BCI issued rules on "Standards of Legal Education and Recognition of Degrees in Law" which prescribe Legal Aid Clinic as a mandatory requirement for recognition of the Law Colleges. Therefore, the BCI needs to frame a policy on Legal Aid Clinics in Law Colleges. Such a policy must incorporate the following:

- At least one designated faculty as Clinical teacher for the Clinic
- Minimum amount needs to be allotted for the Clinic by College
- Mandatory requirement of Clinical teacher to participate in training programs at least one in three years.
- Identification of model Law School Clinics and prescribing exchange programs between Clinical faculty.
- Establish training centers in five regions of the country.
- Appoint a Committee consisting expert Clinicians to prepare model Clinic Manuals.
- Generate training manuals and legal database about the Clinics.
- Bring a journal on Clinical Legal Education.
- Accreditation of Clinics by BCI.
- Support good practices financially.
- Appeal to law firms for financial support to Clinical activities.
- Create an award for best Law School based Clinical activity.

Funding

For an institution, any activity off the campus involves expenditure which has to be borne either by the institution or by the students themselves. If such expenses are to be borne by the students either on a day to day basis or based on activity, there will be a natural resistance by the students and if under compulsion most of the activities would remain for the record but in reality incomplete or undone.

If the burden is on the institution, it would have the collective impact of discouragement and ultimate evasion in carrying out such activity in Universities and Government aided institutions where there are many procedural and bureaucratic hurdles. In private institutions, the financial liability would discourage the management in promoting such activities. The Bar Council needs to stipulate on the above issue. The alternatives could be appropriate directives or regulations directing the Colleges to affect such additional levy from the students as fees and ensuring that such funds are kept apart for these specified activities. As an initiative, the Bar Council could also offer to fund such activities on a case to case basis based on appropriate proposals submitted by Colleges.

4.3. Policy Recommendations for Government of India (GoI)

The Government of India, being the overall authority vested with the responsibility to ensure that the access to justice becomes a reality to the millions of Indians, particularly to the marginalized or 'reaching the un-reached' needs to plan and improvise systems and organization to achieve this objective. As an immediate step, the Government of India could direct the Legal Service Authorities both at the national and state level to collaborate and function with the Law Colleges on a one to one basis rather than the Legal Service Authority considering them merely as the apex or superior body to regulate and direct Law School Clinics. There is also an urgent need to ensure that there is a system of financial support and funding of activities by the Legal Service Authority. Due demarcation is to be ensured in terms of funds available to Legal Aid Clinics of Law Colleges for carrying out certain defined programs focused on the local needs.

The above being the immediate and urgent need to ensure effective functioning of Legal Aid Clinics in Law Colleges, there is of course a fiduciary responsibility on the Government of India to lay down a comprehensive functional and organizational framework. A very pertinent finding of the study of Legal Aid Clinics is that these Clinics can and should take up greater responsibility and a larger role in fulfilling the mandate of access to justice.

The Government of India and the authorities concerned cannot evade or circumvent their responsibility to eliminate the above mentioned four shortcomings in the Indian socio political legal system. The Law Colleges through their Legal Aid Cells are capable of playing an effective role in eliminating the first and the most important shortcoming namely lack of awareness. Creating legal awareness about the laws which affect common people and the ways and means to redress their grievance, whenever their rights or interests are affected, will greatly enable their capacity to seek access to justice. This could be carried out by identification of areas and laws which require immediate attention and creating suitable machinery for propaganda to create public awareness through the medium of Legal Aid Cells.

A system of reward and recognition of the services of those who do pro bono work and are willing to help the indigent and the needy to secure justice should be introduced. For all promotions, nominations and appointments in administration of justice, greater credit should be given to those socially sensitive personnel who have and are willing to render pro bono service and have associated with the Legal Aid Clinics in their activities in various capacities. There is a need to build up a system of credit to those who deserve and have contributed substantially towards providing access to justice to the un-reached citizens of the country.

The Father of the Nation has rightly remarked that in India there is enough to meet everyone's need but not anyone's greed. This applies rightly to the justice delivery system as well. What is required is proper distribution and allocation of funds by prioritizing access to justice. There is a need to ensure that those who are instrumental and who are involved in providing access to justice are not hindered by lack of funds.

It is true that the primary responsibility to deal with a situation of ineffective or lack of access to justice is with the Government of India. Measures as mentioned above will of course provide some useful

succor to the people in need but may not create a permanent and lasting system of effective access to justice in the country. This calls for a system of thinking beyond the present/ immediate needs and will call for a road map for the next two decades. The proclaimed objective of such a road map would be to provide access to justice to every citizen in every village or town in India. This would call for establishment of a system, passing of a new enactment and of course a new ideology.

The various governmental initiatives like National Rural Employment Guarantee Scheme, Social Security and Pension Scheme for the unorganized labourer, Group Insurance for every citizen are all meant to create a new secular and egalitarian social order. The aim of the access to justice scheme should also be to bring in a new system of justice administration and adjudication of dispute. Keeping with the sentiments of the father of the nation, such transformation needs to necessarily begin at the grass root level i.e. the village level. It should not be a top down model but vice versa model.

The Government could think of a system of 'Contributory Legal Insurance' to be set up in every village or Panchayat with every member of the village enrolling themselves as a member of the Scheme. The system of contribution would call for allocation of specific funds from the Central Government, State Government and the local body in addition to specific contributions from individual citizens. The contribution from the citizen should be as minimal as possible in order to ensure comprehensive and total enrolment of all the residents of a particular local area. The funds so created should form the corpus for meeting the adjudication expenses of all the members of that area for a specified period so that every person irrespective of his social or economic status or the levels of literacy could easily seek redressal of their grievances so that no dispute remains unattended or unsolved.

As part of the scheme, every such village needs to enroll and set up a panel of lawyers preferably from the local area itself before whom every such dispute needs to be placed. The panel would then deliberate on the genuineness, importance, gravity, merits and demerits of the claimants and accordingly initiate mediation or conciliation. If mediation /conciliation are not possible, methods of arbitration of the dispute may be resorted to. Of course, in the rarest of cases where the situation justifies, the panel may need to take up adjudication as well. It is only when a claimant desires to act contrary to the advice of such a panel, that the claimant is left free to pursue his case.

The panel should have a system to determine the professional fees payable to the members of the panel who take up each such matter either as a lump sum amount or fee per sitting. The system of course would ensure that lawyers and others who have specific roles in the process are appropriately remunerated out of the funds. A system like this will certainly overcome the maladies existing with the present system of Legal Aid and appointment of pro bono lawyers. For a common man, whether poor or rich, the system would ensure same quality of legal service.

Students of the Law Colleges could assist the panel members for a nominal reward in their professional work which would become part of their practical training program. It is important that a scheme like this is initially implemented with the help of GOI and UNDP funding in specific villages in specified States. When a model of this nature functions effectively, it would be replicated in other villages. The scheme of implementation should be such that it would need a statutory backing and within a decade the whole country could be covered under the scheme.

GoI should implement the recommendations of National Knowledge Commission, particularly on modernizing Clinical courses and establishing four autonomous Centers for Advanced Legal Studies and Research. These Centers would serve as think tank for advising the Government on national and international issues. These Centers would also act as linkages between all Law Colleges and offer continuing legal education for the faculty.

Government should contemplate in making structural changes in Legal Services Authorities. The research team in its interaction with several Colleges found that Legal Services Authorities particularly at the District level have failed to establish effective collaborations with the Law College Clinics. Further, one of the function of Central Authority under section 4 (k) of Legal Services Authority Act is to develop, in consultation with the Bar Council of India, programs for Clinical Legal Education and promote guidance and supervise the establishment and working of Legal Services Clinics in Universities, Law Colleges and other institutions. However, both the BCI and the Authority has neither expertise nor human resources to carry on such function. Therefore, it is suggested that such a task be given to a body created by BCI in consultation with National Legal Services Authority.

It was observed during the in-depth study into the Clinics in seven States that involving the judges in administration of Legal Aid Programs had counter effect. There was a common feeling that for effective functioning of Legal Services Authorities, the administration of Legal Aid programs be best left to an independent member appointed fulltime. This suggestion also finds favour in the fact that most of the judges are unaware of the socio-legal needs of the community. Therefore, persons who are having experience at gross-root level should be appointed to administer the activities.

A closer look at Sec.12 of the Legal Service Authorities Act reveals that more than 60% of the population is entitled to free Legal Aid. As many of the categories mentioned in the section are too broad, it is suggested that this section may be suitably amended to include economic criteria for eligibility for free Legal Aid and same standard of elimination of creamy layer may be used for such purpose.

Government may bring suitable amendments to Advocates Act to enable the students of final year LL.B. and the faculty to represent the clients before the Court of Law. Bar Council of India may require bringing forth rules of practice for faculty and students. However, such representation could be allowed only for a pro bono litigation. Advocates Act enabling senior law students and Clinical law professors to represent indigent client in the Court would substantially increase access to justice to the poor. Justice Krishna Iyer in his Report, Processual Justice to the People: Report of the Expert Committee on Legal Aid 1973, suggested an amendment to the Advocates Act in this regard. He proposed to add a provision after Section 33 in the Advocates Act which is as below:

Section 33-A: Legal Aid by 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 any 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

Legal Aid, advice and related services;

- ii. Students of third year LL.B. class of Law School (fifth year of LL.B. in case of 5 years course) 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.

Provided such representation in the case of students shall be under the supervision of lawyers associated with the said Legal Aid Clinic and with the approval of the judge in whose Court the student appears.

Explanation – The supervising lawyer who shall be an Advocate under this Act is presumed under the last preceding provision to assume personal professional responsibility for the nature and quality of the students' legal services.

Specific directive should come from the Government to its departments, especially Rural Development and Social Welfare Departments to have collaborations with Law School Clinics for implementation of various poverty alleviation schemes.

4.4. Policy Recommendations for Legal Services Authority (LSA)

The role of LSA in assisting and collaborating with Law Schools is minimal. At the most the involvement of the LSA is limited to give directions to the Law Schools to start a Clinic and ask them to send the students for the Legal Literacy Camps. In few cases the students and the faculty were asked to observe the Lok Adalats. The potential of a Law School in reaching the community was either underestimated or ignored by LSA. Though poor quality of some of the Law Schools may justify such apathy, LSA could have assessed the potential of Law Schools and accordingly developed partnerships and collaborations with the good Law Schools.

LSA needs to identify potential Law Schools based on the commitment of the students and the faculty, infrastructural facilities and geographical situation of the school. LSA with the help of Clinicians and the NGOs should train the students and the faculty of identified Law Schools to undertake the Legal Aid activities.

Full support and cooperation is required from LSA including funding. It was observed that not even 10% of Law Schools in the seven States received any financial aid from the concerned LSA of the State. It was learned that many LSAs failed to spend the money allotted to them. There are several instances where the money was in fact sent back to NALSA. Therefore, LSA must prepare budgetary allocations to the identified Law Schools. However, LSA may insist on the Law Schools to submit the audited accounts and even LSA could itself send their personal to supervise the expenditure.

There is a need for a change in the mindset of LSA. They need to accept that the law students and faculty are equal partners to LSA. Involvement of the students must not be confined to logistics arrangement.

As the Law Schools have a better reach to the community, designing and selecting the topic and the place for Legal Literacy Camps must be left to the school. LSA could use final year students in providing Legal Aid to the prisoners. Students can be grouped with the Legal Aid lawyer and organize a visit to the prisons, lock ups and other correctional homes. NALSA must involve the faculty and

students in policy making particularly when it involves matters other than representation in Courts.

Para legal training could be entrusted to the identified Clinical faculty rather than left to the NALSA. Proper planning in identification of paralegals is required. Training the Trainers Program should focus on the potential trainer in a scientific manner rather than just condition who ever attends. For example in the Para Legal Training introduced by the NALSA, several advocates are enrolled. When they are already advocates there is no point in enrolling them as paralegals. Legal Aid must be an aid to the poor and not to the lawyers.

Further NALSA directions to Colleges and Schools other than Law Schools to start Legal Literacy Clubs would be counterproductive. When Law Colleges are struggling in offering Legal Aid and Legal Literacy, without any training one cannot expect that the other schools would be able to perform the same. Further, when NALSA could not monitor and supervise 900 Law Schools in India, it would not be in a position to monitor the quality of legal services by thousands of Colleges and Schools. Though, the project is ambitious such a move without sufficient human and financial resources would undermine the efforts of NALSA.

Therefore, NALSA should form a Committee for implementing legal literacy and such a Committee must consist of faculty, students and other stakeholders. NALSA should also take the help of Clinical faculty who has been working with Legal Aid Clinics. The Clinical faculty could be appointed in LSA on deputation to oversee Legal Aid activities of the Law School based Clinics. Students must be encouraged to do internship with the LSA. NALSA must encourage research in the matters of Legal Aid and its delivery.

NALSA could direct the DLSA to have mandatory collaborations with the Law Schools after identifying the potential Law Schools for its activities and should conduct periodical meetings with the faculty and students. NALSA may also establish an award, State wise and Nation wise to rank the best Law School Clinics.

4.5. Policy Recommendations for University Grants Commission (UGC)

UGC not only has overall authority to regulate higher education in India but also gives various grants for improvement of higher education in various ways. Legal education in terms of faculty qualifications, service conditions, teaching hours etc are all regulated by UGC despite the presence of BCI. Thus the UGC does have a direct bearing on the quality of legal education in the country. It could either by itself or in association with any other organization- Indian or foreign could formulate various Schemes of funding for specific Legal Aid initiatives by Law Colleges. After all, access to justice is also an equally important consideration for UGC, it being a body functioning under the Human Resource Ministry of GOI. UGC's involvement will greatly boost and support the Legal Aid Movement through Law Colleges in India. UGC may consider Legal Aid Clinic as a necessary condition for providing grants to Law Schools.

4.6. Policy Recommendations for National Human Rights Commission (NHRC)

Access to justice is certainly and intimately connected with the activities and concerns of NHRC. One area in which the expertise of NHRC could be made available is in training of faculty and students in

Legal Aid work and secondly in the identification of areas or regions of the country which have greater dangers of human rights violations and provide special scheme to enable the Law Colleges to assist in ameliorating the situation in such areas through their services

4.7. Linkage and Networking

Networking is required for exchange of information or services among individuals, groups, or institutions for improvement and learning from others experiences. Networking and linkages between all stakeholders is a condition precedent for effective legal services. A concerted effort from all the stakeholders would improve access to justice to the poor. For networking with foreign Law School Clinics, technology can be used and it would be inexpensive. Networking helps in adopting best practices among the stakeholders and also in learning from each other.

The stakeholders are Law Schools, faculty, students, NGOs, Law Firms, LSA, Government, Bar Councils, Universities, Voluntary Organizations, UGC, Judiciary and the Community.

Methods of Networking:

1. Directory of Clinics and Clinical teachers
2. Publication of Newsletters and Journals
3. Annual Conferences/Workshops
4. Summer/Winter School Programs
5. Faculty and student Exchange Programs
6. Internships
7. Collaborative teaching
8. Collaborative writings
9. Websites
10. Emails
11. Phones
12. Blogs
13. Face book and such other social networking sites
14. Google talk
15. Skype
16. Yahoo Messenger
17. LinkedIn
18. Group email(list serve)



Examples of Networking:

1. Global Alliance for Justice Education : <http://www.gaje.org/>
2. Common Wealth Legal Education : www.clea-web.com
3. Network of University Legal Aid Institutions NULAI Nigeria
4. Bridges Across Borders Southeast Asia (BABSEA) <http://www.babseacle.org>
5. The Association of American Law Schools (AALS) <http://www.aals.org/>
6. Public Interest Law Institute (PILI) <http://www.pili.org>
7. International &Comparative Human Rights Law Practicum Winter Intersession Program by the William S. Boyd School of Law and Indira Gandhi National Open University School of Law at New Delhi, India.
8. Summer School Program in Bangladesh
9. Winter School Program in Nepal

4.8. Future Plans

This is the first ever study on Law Schools based Legal Aid in India. This project is a first step towards enhancing access to justice through Legal Aid Clinics in India. Merely identifying the status and problems of the Clinics in the seven States would serve no purpose unless a follow up program is undertaken to strengthen the Legal Aid Clinics. Therefore, there is a need for continuing this initiative in the following ways:

1. Conducting Training of Trainers Program in each State every year:
The Law Colleges are unable to comprehend the concept of Legal Aid. Faculty designated for Legal Aid need training and the students need to be trained in several skills that are required for organizing legal aid activities. Hence, a Training of Trainers Program (TOT) needs to be organized in each State. These programs need to be designed and conducted by expert faculty in Clinical Methodology. A nodal agency which is actually involved in Legal Aid may be identified for conducting training programs for the faculty of Law Schools in the project States.
2. Identifying five potential Law Schools from each State to strengthen their Clinics. Total 35 faculties from the identified Law Schools from seven States should be trained in Legal Aid. Two week intensive training program should be conducted to train these faculty members. These trained faculty members would strengthen the Clinics in their respective Colleges. Within a year 25 Clinics in seven States would function.
3. This activity may be continued for five years and within five years there would be at least 25 Law Schools in each State with fully functional Clinics. The nodal agency would be monitoring the progress of the Clinics. A quarterly newsletter showcasing the activities carried by the selected Law School Clinics could be brought.

4. A proper networking would be developed among these Clinics and at the end of the year a Conference on Legal Aid Clinics should be organised. The purpose of this Conference is to involve students and faculty with other stake holders on a single platform to share the experiences and best practices among the Law Schools.
5. Identifying expert Clinical faculty to prepare Training Manuals on activities of Legal Aid.
6. Continue the same initiation in all other States.
7. Create a website for sharing the concerns and experiences.

4.9. Suggested Readings:

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5. Government of India, Ministry of Law, Justice and Company Affairs, Department of Legal Affairs, Report of Expert Committee on Legal Aid : Processual Justice to the People, 1973.
6. Government of India, Ministry of Law, Justice and Company Affairs, Department of Legal Affairs, Report on National Juridicare: Equal Justice – Social Justice, 1977.
7. Krishna Iyer V.R., Social Justice: Sunset or Dawn, (Eastern Book Company, Lucknow, 2009).
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9. Law Commission of India, 184th Report on The Legal Education and Professional Training and Proposal for Amendments to the Advocates Act 1961 and the University Grants Commission Act 1956.
10. Louise G. Trubek (Edt.), Educating for Justice around the World: Legal Education, Legal Practice and the Community, Ashgate Publishing Company, USA, 1997.
11. MadhavaMenon N.R., Clinical Legal Education: Concept and Concerns, A Handbook on Clinical Legal Education, Eastern Book Company, Lucknow, 1998.
12. MadhavaMenon N.R., Legal Aid and Legal Education: A Challenge and An Opportunity, University of Delhi, New Delhi, 1986.
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ANNEXURE - I

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18. Sathe S.P., Access to Legal Education and the Legal Profession in India, Rajeev Dhavan Ed., Butterworths, London, 1989.
19. Sharma S.K., Legal Profession in India, Sociology of Law and Legal Profession: A Study of Relations between Lawyers and their Clients, Rawat Publications, Jaipur, 1984.
20. Sharma, S.S., Legal Aid to the Poor: The Law and Indian Legal System, Deep & Deep Publications, New Delhi, 1993.
21. Sujan Singh, Legal Aid: Human Right to Equality, Deep and Deep, New Delhi, 1996.
22. Sushma Gupta, History of Legal Education, Deep & Seep Publications (P) Ltd., New Delhi, 2006.
23. UpendraBaxi Notes Towards a Socially Relevant Legal Education: A Working Paper for the UGC Regional Workshops in Law, 1975 – 77.
24. William Sullivan, Anne Colby, Judith Welch Wegner, Lloyd Bond & Lee S. Schulman, Educating Lawyers: Preparing for the Profession of Law, San Francisco 2007.



View of workshop session.



Reporting & questioning

Details of selected Colleges

1. State Name: Orissa

Sr. No.	College Name and Address	Name of the In-charge
1	KIIT School of Law, KIIT University, Campus – 16, Patia, Bhubaneswar – 751024 Website:www.xls.ac.in Ph.No:0674 – 2725440	*Ms.Ananya Chakraborty
2	Dinabandhu Sahu Law College, Thakurpatna, Kendrapara. Email: kendraparad@yahoo.co.in Ph.No:06727 – 220448 Mob. No: 09938660204	Shri B.P. Das Mob. No: 09778448755
3	Rourkela Law College, Sector – 18, Osap(PO) Nayabazar, Rourkela – 769010. Email: rourkelalawcollege@gmail.com Ph. No:0661 - 2600689 Mob. No:09437960960	*Mr. Nayan Ranjan Nandi Mob. No: 09437207234
4	National Law University, Protocol Wing, Orissa High Court, Cuttack. Email: vc@nluo.ac.in Website: www.nlup.ac.in Ph. No:0671 - 2506516 Mob. No: 09439013699, 09437020231	Dr. Krishnan Mahajan Mob. No: 09818411077
5	University Law College, Utkal University, Vanivihar Campus, Bhubaneswar. Ph. No:0674 – 2588507 Mob. No: 09438183861	Dr. Das Mob. No: 09438183861

* Faculty involved in legal aid activities but the College has no designated faculty for legal aid clinic.

2. State Name: Uttar Pradesh

Sr. No.	College Name and Address	Name of the In-charge
1	Bundelkhand Vidhi Mahavidyalaya BhagwatiVihar, Konch Road, Orai, Jalaun (Distt.) - 205 001. Email: lawcollegeorai@rediffmail.com Website: www.lawcollegeorai.com Mob. No: 09235933175	Dr. Laxhman Rohit Dubey Mob. No: 09450000057
2	Dewan Law College Electra World View, Meerut By Pass Road, Partapur, Meerut, - 250 103 Website: www.dewaninstitutes.org Ph. No: 0121 – 2440315, 2440375 Mob. No: 09675501755	Dr. S. M. Sharma Mob. No: 09675501755
3	St. Andrews College, Civil Court Road, Gorakhpur – 273001 Email: principal@st-andrews-college.org Website: www.st-andrews.college.org Ph. No: 0551 – 2332172 Mob. No: 09838594047	Dr. Onkar Nath Tiwari Mob. No: 09450885776
4	Shriji Institute of Legal Vocational Education & Research (Silver Law College) 12 km, Pilibhit Road, Barkapur, Bareilly. Email: silverlawcollegebly@gmail.com Website: www.silverlaw.in Ph. No: 0581 - 2602029 Mob. No: 09837485855	*Dr. Ravi Bhatnagar
5	Hakeem Mehtabuddin Hashim College of Law KaziZada, Amroha,(J.P.Nagar). 244 221 Email: ranapraveen2000@yahoo.com Website: www.hashmitrust.com Mob. No: 09319462386	Noor Ali Ansari Mob. No: 07520129266
6	Department of Law, Lucknow University, 2nd Campus, Lucknow, U.P. 226 007 Email: dean_law@lkouniv.ac.in Website: www.lkouniv.ac.in Ph. No: 0522 – 2733012 Mob. No: 09415195445	Prof. O.N. Mishra Mob. No: 09415195445

7	Krishna College of Law, Noorpur Road, Bijnor, - 246 701 Email: krishnacollegebijnor@gmail.com Website: www.krishnacollegebijnor.com Ph. No: 01342 – 251300, 251500 Mob. No: 09219657200	Dr. Parvez Ahmad Khan Mob. No: 09219657200
8	Saradar Patel Subharati Institute of Law, Subharati Puram, Delhi-Haridwar Bypass Road, N.H.-58, Meerut. Email: principal.spil@gmail.com Website: www.subharti.org Ph. No: 0121 - 3055031 Mob. No: 09568848222	Mohd. Arif Mob. No: 09259185316 Mr. Vijay Srivastava Mob. No: 09639005575
9	Law School P – II New Medical Enclave, Banaras Hindu University, Varanasi – 221005 Email: dean.lawschool.bhu@gmail.com Website: www.bhu.ac.in Ph. No: 0542 - 2369636 Mob. No: 09935474150	Dr. Vijay Kumar Saroj Mob. No: 09935819696
10	Ram Manohar Lohia National Law School, Sec D-L, LDA Colony, Kanpur Road Scheme, Lucknow- 226012 Website: rmlnlu.ac.in	Dr. Sanjay Kumar Mob. No: 09450768961

* Faculty involved in legal aid activities but the College has no designated faculty for legal aid clinic.

3. State Name: Jharkhand

Sr. No.	College Name and Address	Name of the In-charge
1	Jamshedpur Cooperative Law College Opp. XLRI, Circuit House, Jamshedpur – 831001 Email:jclcjsr@gmail.com Ph. No: 0657 – 2220508	No In charge
2	Chota Nagpur Law College, J.J. Road, Uppar Bazar, Near Jain Temple Road, Ranchi – 834001 Email: cnlawcollege@cnlawcollege.co.in Website: www.cnlawcollege.co.in Ph. No: 0651 - 2205877, 2261524. Mob. No: 09431993666	Dr. P.K. Chaturvedi Mob. No: 09431771040 Mr. G.A. Bilung Mob. No: 09431588329

4. State Name: Chhattisgarh

Sr. No.	College Name and Address	Name of the In-charge
1	Jyothi Bhushan Prathap Singh Law College PuraniBasti, Rani Road, Korba Email: hkfreelglaidclinic@gmail.com Ph. No: 07759 – 248432 Mob. No: 09827487929	Mr. Harikrishna Paswan Mob. No: 09827487929
2	Department of Law, MATS University Arang-Kharora Highway GulluArang, Raipur – 493 441 Email: director@matslawschool.ac.in Website: www.matslawschool.ac.in Ph. No:0771 – 4078996 Mob. No: 09893658290	Prof. G.P. Tripathi Mob. No: 09893658290
3	D.P Vipra Law College Ashok Nagar, Seepat Road, Bilaspur. Email: dpvlawprincipal@gmail.com Website: www.dpvipralawcollege.com Ph. No: 07752 – 210763, 329260 Mob. No: 09926165945	Mr Shaji Thomas Mob. No: 07587179001
4	Hidayatullah National Law University HNU Bhavan, Civil Lines, Raipur Email: registrar@hnlu.ac.in Website: hnlu.ac.in Ph. No:0771 – 3057666	Dr. M.K. Sahu Mob. No: 08889014204

*Faculty involved in legal aid activities but the College has no designated faculty for legal aid clinic.

5. State Name: Bihar

Sr. No.	College Name and Address	Name of the In-charge
1	Faculty of Law, Campus- College of Commerce, Patna. Email: anillawmu@gmail.com Mob. No:09431496995, 09431496995 Mob. No: 09431496995	*Dr. Anil Kumar Singh
2	Sri Krishna Jubilee Law College Gannipur, Muzaffarpur- 842 001 Ph. No: 0621-246034	Prof. Kamlesh Kumar Shahi Mob. No: 09430917925

3	Patna Law College Mahendru (PO) Patna - 800006 Email: principal@patnalawcollege.org Website:www.patnalawcollege.org Ph. No: 0612 - 2670510 Mob. No: 09430448939	Dr. Pawan Kumar Mishra Mob. No: 09570630415
4	Raghunath Pandey Memorial Law College RaghunathPandey Nagar, Dhiranpatti, M.I.C., Bela, Muzffarpur – 842005 Ph. No: 0621 – 2246164	Prof. Arvind Kumar Mr. Ankaj Kumar
5	Bihar Institute of Law B.V. College (PO) Ashiana More, Raza Bazar, Patna Email: bilpatna@gmail.com Website: bilpatna.com Ph. No:0612 – 2295531	Dr. H.M. Ozha Mob. No: 09334893762
6.	Chanakaya Law School, Nyaya Nagar, Mithapur, Patna - 800001 Email: registrarcnlu@gmail.com Website: www.cnlu.ac.in Ph. No: 0612 - 2352315 Mob. No:09431945259, 09431622508.	Dr. Anshuman Mob: No: 09431045259

*Faculty involved in legal aid activities but the College has no designated faculty for legal aid clinic.

6. State Name: Rajasthan

Sr.No.	College Name and Address	Name of the In-charge
1	University College of Law, Mohanlal Sukhadia University, Udaipur Email:sharadsri5@gmail.com Ph. No: 0294 – 2470958 Mob. No: 09414162176	*Prof. Sharad Srivastava Mob. No: 09829098930
2	Shri Krishna Academy of Legal Education Near Gurudwara, Manu Marg Alwar – 301001 Email: dryadavs1@gmail.com Ph. No: 0144 – 3294634, 2730219 Mob. No: 09414016657, 09414442947	Ms. Garima Yadav Mob. No: 09314485532

3	Rajdhani Law College D-7 GhiyaMarg, C19 Sawai Jai Singh Highway, Bani Park, Jaipur. Email: rajdhanilawcollege@gmail.com Website: www.rajdhanilawcollegejaipur.com Ph. No:0141 – 3259137 Mob. No:0929076996, 09413532433	Dr. Devendra K. Sharma Mob. No: 09829076996 Shri Rajesh Porwal Mob. No: 09413532433	2	Jawaharlal Nehru P.G. Law College Bhagwan Thirhankar Mahavir Marg, Sanjeet Road, Mandsaur. Email: Jlnlawcollege_mds@rediffmail.com Ph.No 07422 – 255 401, 403235 Mob. No: 09981453404	Dr. Narendra Kumar Jain Mob.No: 9981453404
4	Tagore Public Law College N.H. 8 Putli Road, Kotputli – 303 108 Jaipur, Email: contactus@tagorecolleges.com Website: www.tagorecolleges.com Ph. No:01421 – 329230 Mob. No:09829737750	Mr. RakeshTiwari Mob. No: 09549210000	3	Maharani Laxmibai College of Excellence Near Ashleshwar Temple, Lashkar, Gwalior – 474009 Email: mlbgwl@rediffmail.com Website: www.mlbcollgegwalior.org Ph.No: 0751 – 2372199 Mob. No: 09425341022	Dr. Vinod Kumar Shrotriya Mob. No: 09425341022
5	S.G. N Khalsa Law PG College Sri Ganganagar, – 335 001. Email: khalsalaw@yahoo.co.in Website: www.khalsalawcollege.org Ph. No: 0154 – 2440265 Mob. No: 09414434103, 09829159121	Dr. S.S. Vyas Mob. No: 09414205765	4	Madhav Mahavidyalaya RajwadeBhavan, VivekanandMarg, NaiSadak, Gwalior Email: info@madhavcollege.org Website: http://madhavcollege.org Phone: 0751—2434326	Form not submitted
6	Seth G. L. Behani S.D Law (P.G) College N.H. 15, Sukharia Circle, Sri Ganganagar, – 335 001. Email: saurabhsgnr@gmail.com Website: www.bihanieducationtrust.ac.in Ph. No: 0154 – 2465433 Mob. No:09829193555	Mr.Sanjeev Dixit Mob. No: 09829193555	5	National Law Institute University Kerwa Dam Road, Bhopal Email: info@nliu.com Website: http://www.nliu.com/ Ph.No: 0755 – 2696965	Form not submitted
7	National Law University NH-65, Nagaur Road, Mandore, Jodhpur Email:nlu-jp-rj@nic.in Website: www.nlujodhpur.ac.in Ph. No: 0291 – 2577530	Mrs. Abhilasha. K. Ph. No: 0291 – 2577530	6	Rajeev Gandhi College E8, Trilanga Colony, Sahapura, Bhopal – 462039 Email: prof-tp-singh-rgc@yahoo.co.in Website: www.rgcbhopal.org Ph.No: 0755 – 2561353, 6450121. Mob. No: 09826639400.	Mr. R.K.Saini Mob. No: 09827438371

7. State name: Madhya Pradesh

Sr. No.	College Name and Address	Name of the In-charge
1	Sanskrit Law College, Ward No.3, Gurudwara Road, Near Ice Factory, Anuppur. Email: sanskar_sdl@yahoo.co.in Phone: 07659 – 222537 Mob. No: 09425844380	Shri. Prem Narayan Sharma Mob.No: 099932220127

ANNEXURE - II

V.M.Salgaocar College of Law MIRAMAR-PANAJI, GOA – 403001

ACCESS TO JUSTICE: "A study of Law School Based Legal Service Clinics"

Questionnaire for in-depth study of Law School Based Legal Services in selected Law Schools

Note:- Please fill the questionnaire:

1. Details of the Institution:

Name of the Institution	Postal Address of the Institution				
	Email: Website: Telephone/ Code: Mobile No: No:				

2. Recognition and Affiliation:

Year of establishment:	Type of management of the institution: Tick the appropriate Box				
	University	Government	Government Aided	Private Unaided	

3. Courses:

Course offered Tick the appropriate Box	LL.B 5 Years	LL.B 3 Years	LL.M	M. Phil	Ph.D.

4. Students Strength:

Number of students for each of the courses.	LL.B 3 years	First year		Second year		Third year	
	LL.B 5 years	First year	Second year	Third year	Fourth year	Fifth year	

5. Details of Legal Aid Cell

Year of establishment:	Timing of the Cell	Place of the Cell	No of students Participate in the Cell	Which year of students participate in the clinic					No of faculty involved in Legal Aid Cell
				1	2	3	4	5	

6. Please provide the names and phone numbers of the faculty involved in legal aid cell

7. Is there a designated Faculty member to oversee clinic? Yes No

8. If yes please give name and phone no of the faculty:

Name: _____ Phone No: _____

9. Does the faculty entitled workload credit for the legal aid activity? Yes No

10. If yes, please specify the number of lectures given as credit/week: _____

11. Do you publish the availability of your legal aid services: Yes No

12. If yes please tick the appropriate box:

News Papers	Radio	Distribution of Leaflets	Website specify	Campaigning	Any other	All of them

13. Does your legal aid cell cater to any target groups: Yes No

14. If yes please tick the appropriate box

Women & Children	Senior Citizens	Consumers	Labour	SC/ST	BPL families	Any other specify	All of them

15. Does the clinic have any special focus in any particular area of law? Yes No

16. If so please tick the appropriate box:

Women & Children	Land Laws	Consumer law	Labour Laws	Criminal Law	RTI	Welfare Schemes	Constitutional Rights	Any other Specify	All of them

17. Have you adopted any specific village/community for the legal aid activity: Yes No

18. If yes: Name of the Village, Rural/urban, distance from the college: _____

19. Activities the clinic undertakes:(please specify in the following area)

i. **Legal Representation** (**Note:** meaning all situations where students have represented others before any authority like Thasildar, compensation commissioners/consumer forum/any other)

a) Do you represent the clients: Yes No

b) If yes

Approximately How many in a year	How many in the last academic year (2010 – 2011)	Who Represents		Representation is before			
		Students	Faculty	Court	Tribunal	Administrative authority	any other

c) What kind of criteria you adopt in choosing the cases: _____

ii. **Legal Awareness**(**Note:** any such activity which has resulted in others being informed about existence of law, impact of law , procedures of law, etc)

a. How many Legal Awareness camps you organize in a year:

1 - 2 3 – 5 6 – 10 Above 10

b. How frequently you conduct:

Every Month bi-monthly Six monthly Once in a Year

c. How do you select the geographical area _____

d. How do you identify the recipients: _____

e. What laws are focused in legal awareness:

Women & Children	Land Laws	Consumer law	Labour Laws	Criminal Law	RTI	Welfare Schemes	Constitutional Rights	Any other Specify	All of them

f. What is the Role of Faculty: They only coordinate They also give talks

g. What is the Role of Students: Only organizes They also give talks

h. What kind of methods used for spreading legal awareness:

Methods	Street plays	Workshops	Public talks	Rallies	Posters display	Any others: please specify
Yes/No						
If Yes: No of such activities in the last year						

I. What is the approximate average attendance of audience for the awareness programs:

j. Whom you associate with for organizing legal awareness programs:

Panchayats	Municipality	DLSA	Clubs	Youth organizations	NGO's	Any others: specify	All of them

k. What kind of Association you have with these organizations

Financial	Organizational	Human Resource (resource persons)	Any other: Specify	All of them

iii. Legal Advice to the clients(**Note:** all those situations when some kind of advice is given to a person in need relating to law or legal implication)

1. Do You Provide Legal Advice: Yes No

2. If Yes:

a. How frequent people visit your Clinic			
b. How many people visited last year			
c. Who conduct the interview with the client	Faculty	Students	Lawyers
d. Who offer the advice	Faculty	Students	Lawyers
e. Do you have any panel of lawyers for the advice?			
f. Do you have any referral services*			

*Referring the cases to Legal services authority or to any other appropriate authorities

iv. Para-legal services(Note: any kind of work such as drafting, researching which helps a person to claim his lawful dues or right)

v. Do you offer any para-legal services: Yes No

a) If yes please tick the kind of services you undertake

Affidavits	Filling up necessary applications	social welfare schemes	Ration cards	Voter cards	Senior citizen cards	Registration of FIR	Registration of Birth/ deaths	Any Others Specify	All of them

Any Others:_____

b) No of beneficiaries

Affidavits	Filling up necessary applications	social welfare schemes	Ration cards	Voter cards	Senior citizen cards	Registration of FIR	Registration of Birth/ deaths	Any Others Specify	All of them

c) Do you associate with any organization in offering these services: Yes No

If yes please tick in the appropriate boxes with whom you associate

Panchayats	Municipality	DLSA	Clubs	Youth organizations	NGO's	Any others: specify	All of them

d) What kind of association do you have

Financial	Organizational	Human Resource (resource persons)	Any other: Specify	All of them

e) How often people visit your clinic for para legal services:_____

f) How many visited last year:_____

vi. Public interest litigation:

a) Does the students/college involved in any PIL: Yes No

b) If so How many:_____

c) What is the nature of PIL filed by the College/students:_____

d) Are You involved in any PIL Currently: Yes No

e) If yes please give details:_____

vii. Alternative Dispute Resolution

a) Does the college promote ADR: Yes No

b) If so what kind of activities the college involved in promoting ADR:

c) How frequently you undertake such activates:

d) Is college involved in any dispute resolutions such as:

Individual ADR Public hearing

e) Do you ever involved in Lok Adalats? Yes No

f) If yes briefly describe your involvement:_____

viii. Law Reform: (Note: Conducting research and advocating for necessary changes in existing law or for new legislation)

a) Does the college involved in any law reform activity: Yes No

b) If so please specify the activity:_____

c) What is the outcome of the activity:_____

20. What are the Challenges faced by the Institution in offering legal aid through legal aid clinic?

(Please tick on a scale of 1 to 4)

1 – Major Problem 2 – To a larger extent problem 3 – Minor Problem 4- Not a

- | | | | | |
|---|----------------------------|----------------------------|----------------------------|----------------------------|
| a. Lack of trained faculty | <input type="checkbox"/> 1 | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 |
| b. Lack of financial support | <input type="checkbox"/> 1 | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 |
| c. Poor student quality | <input type="checkbox"/> 1 | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 |
| d. Restriction on Faculty to practice in Court of law | <input type="checkbox"/> 1 | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 |
| e. Restriction on students to represent client in Court | <input type="checkbox"/> 1 | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 |
| f. Part time students | <input type="checkbox"/> 1 | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 |
| g. Lack of involvement of Bar Council | <input type="checkbox"/> 1 | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 |
| v. Lack of involvement of Judiciary | <input type="checkbox"/> 1 | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 |

- w. Lack of specific directions from Bar Council of India
- x. No training facilities to faculty in practical papers
- y. Absence of academic credit for legal aid work for students
- z. Legal aid not part of workload for faculty
- aa. Absence of designated fulltime faculty for legal aid activity
- bb. Absence/lack of support infrastructural facilities
- cc. Any other please specify

21. Kindly fill the following by marking on a scale of 0 to 5, 0 being the lowest and 5 being the highest as under:

0 – Not at all; 1 – May be; 2 - Yes but not substantial;

3 – Satisfactory; 4 - To a large extent; 5 – Absolutely

- i. Do you think that your college legal aid clinic effectively ensure access to justice to the marginalized sections of the society?
- ii. Did your association with the legal aid cell enhance your practical understanding of law?
- iii. Do you think legal aid work reduced the gap between law in books and law in practice
- iv. Do you think the paralegal services offered by the legal aid cells improve the quality of life in society?
- v. Did you think legal aid cell activities can make transition from College to Profession easier?
- vi. Do you agree with the system and method of imparting legal aid training in your Institution ?
- vii. Do you think the services offered by your clinic really benefits to the marginalized society?
- viii. Do you think Students of Law Colleges should help in providing Legal aid? Yes No
- ix. If yes, do you think they are capable of offering quality legal aid? Yes No

22. Do you have any collaboration with any organizations or authorities in organizing legal aid?

Yes No

23. If Yes please give details of the organizations: _____

24. If No please give reasons for not having collaborations: _____

25. What support you need for rendering effective legal services:
Please mark on a scale of 0 to 4, 0 being the lowest and 4 being the highest as under

**0 – Not required; 1 – May be; 2 – Yes but not substantial; 3 – to a large extent;
4 – Absolutely.**

- | | |
|--|---|
| a) Financial aid | <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> |
| b) Infrastructure | <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> |
| c) Appointment of qualified faculty | <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> |
| d) Trained Faculty | <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> |
| e) Involvement of Bar | <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> |
| f) Involvement of Bench | <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> |
| g) Academic credit for students | <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> |
| h) Amending Advocates Act | <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> |
| i) Mandatory collaboration between legal aid clinic and District Legal Service Authority | <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> |

26. According to you which one of the following is the most effective activity that provides a meaningful access to justice to the marginalize community?

kindly mark on a scale of 0 to 4, 0 being the lowest and 4 being the highest as under:

**0 – Not at all; 1 – May be; 2 - Yes but not substantial;
3 - To a large extent; 4 – Absolutely**

- | | |
|-------------------------|---|
| 1. Legal Representation | <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> |
| 2. Legal advice | <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> |
| 3. Para Legal Services | <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> |
| 4. Promoting ADR | <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> |
| 5. Legal Literacy | <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> |

ANNEXURE - III

6. Public Interest Litigation

7. Law Reform

27. According to you which one of the following activity a law college clinic can most effectively undertake?

kindly mark on a scale of 0 to 4, 0 being the lowest and 4 being the highest as under:

0 – Not at all; 1 – May be; 2 - Yes but not substantial;

3 - To a large extent; 4 – Absolutely

1. Legal Representation

2. Legal advice

3. Para Legal Services

4. Promoting ADR

5. Legal Literacy

6. Public Interest Litigation

7. Law Reform

28. According to you which of your activity have benefited the marginalized section (please rank them 1 being highest 7 being the lowest. Rank only the activities undertaken by your clinic.)

Sl. No	Activity	Rank
1	Legal Representation	
2	Legal advice	
3	Para Legal Services	
4	Promoting ADR	
5	Legal Literacy	
6	Public Interest Litigation	
7	Law Reform	

23. Any innovative methods adopted in offering legal aid? (Please give a brief description. Use separate paper if needed)

BAR COUNCIL OF INDIA

Part –IV

Rules of Legal Education

Rules on standards of legal education and recognition of degrees in law for the purpose of enrolment

as advocate and inspection of Universities for recognizing its degree in law under Sections 7(1)(h) and (i), 24(1)(c)(iii), and (iiia), 49(1)(af),(ag),and (d) of the Advocates Act, 1961 made by the Bar Council of India in consultation with Universities and State Bar Councils

SCHEDULE III

Minimum infrastructural facilities required in a Centre of Legal Education for applying permission to run law courses with affiliation from an Indian University

Physical infrastructure

11. Legal Aid Centre: Each institution shall establish and run a Legal Aid Clinic under the supervision of a Senior Faculty Member who may administer the Clinic run by the Final year students of the Institution in cooperation with the Legal Aid Authorities with list of voluntary lawyers and other Non-Government Organizations engaged in this regard in the locality generally from which the student community of the Institution, hail from.

ANNEXURE - IV

GOVERNMENT OF INDIA – UNITED NATIONS DEVELOPMENT PROGRAM

ACCESS TO JUSTICE

NATIONAL CONFERENCE ON "LAW SCHOOL BASED LEGAL SERVICE CLINICS"

V.M.Salgaocar College of Law

(4th and 5th July 2011)

Report of 4th July 2011

V.M.Salgaocar College of Law, Goa hosted the National Conference on "Law School Based Legal Service Clinics", on 4th and 5th of July 2011 under the auspices of Government of India – United Nations Development Program on Access to Justice.

Registration:

A total of 57 participants from the various Law Colleges from the seven States in India namely UP, Orissa, Madhya Pradesh, Rajasthan, Jharkhand, Bihar and Chattisgarh registered at V.M.Salgaocar College of Law at 9am on 4th July 2011 for the Conference.

Welcome Address:

Prof. Dr. Marian Pinheiro, Principal, V. M. Salgaocar College of Law welcomed and addressed the conference on the scheme of study taken up by the College in the seven states in India. Postal Communication and phone calls were made to communicate with the various Law Colleges. Later a team of faculty and students visited these institutions to understand the way in which Legal Aid activities are being carried out in their respective colleges. Dr. Pinheiro further projected the theme of the seminar as gathering information, ideas on Legal Aid and the difficulties faced in the different Law Colleges

Inauguration:

The Conference was inaugurated on 4th July 2011 at 10am by lighting of the traditional lamp at the hands of Prof. Dr. V.B.Coutinho, Director, Legal Education, Bar Council of India joined by Prof. Dr. Marian Pinheiro, Principal, V. M. Salgaocar College of Law; Ms. Swati Mehta, Project Manager, UNDP; Prof. Dr. Nomita Agarwal, Dean, Delhi University; and Prof. Dr. MRK.Prasad, V. M. Salgaocar College of Law. Other dignitaries present included Ms. G. Sridevi, Chairperson, UP Legal Service Authority; Prof.Ajay Pandey, Jindal Global Law School; Prof Dr. Surendra Nath, Banaras Hindu University; Mr. Anil Scaria, Secretary, North Goa State Legal Services Authority; Mr. N.S. Amonkar, Secretary, North Goa State Legal Services Authority and Mr. Pramod Kamat, Law Secretary, Govt. of Goa. Students and faculty from various states in India attended the inaugural function and the conference which followed..

Key Note Address by Prof. Dr.V.B.Coutinho

Dr. Coutinho, in his keynote address spoke on the association of the College with the Bar Council of India, which supplied the College with the list of address and phone numbers of Law Colleges in the seven states, because of which the project could be effectively continued by the College. He stated that they are proud of VMSCL, which has become a leader in the country, as a college which has given direction to all other Colleges in the country in the area of Clinical Legal Education. He also commented on the remarkable role played by UNDP and appreciated the performance of the teachers and students of the College.

Dr. Coutinho explained the Concept of Legal Aid as contained in the BCI in Rule 11, Schedule III of BCI Rules which provides for the minimum infrastructure required to start a Law College. Starting of Legal Aid Cells under the supervision of senior teachers is a necessary requirement under the BCI Rule 11. Already 35 Colleges have been closed for failure of fulfillment of the conditions. BCI would go for closure of all the Law Colleges which do not have the requirements as mentioned under the BCI Rules. He opined that what the BCI prefers is not thousands of Law Colleges, but Colleges of standard and excellence.

Dr. Coutinho being the Director of Legal Education observed that the Directorate of Legal Education has performed well since its inception and has held the Bar Council Exams, which is done under the guidance and directive of Supreme Court of India. Dr Coutinho sought the support of Law Colleges in its work and remarked that teacher training in Clinical Legal Education should be conducted. The Director undertook the responsibility of getting funds allotted for the purpose at the State levels. He expressed his happiness in the work done by VMSCL in creating a new vision for the students and teachers of Law in India.

Vote of Thanks:

Prof. Dr. M.R.K Prasad, V. M. Salgaocar College of Law presented vote of thanks and expressed that by the evening of 5th July 2011, he hopes to bring forward the Policy framework.

LEGAL AID EXHIBITION

Following the inaugural program of the Conference, Prof. Dr. Nomita Agarwal, Dean, Delhi University inaugurated the Legal Aid Exhibition at 11am on 4th July 2011. The participants visited the Legal Aid Exhibition, organized by the 40 Free Legal Aid Cells of V. M. Salgaocar College of Law. The Students in Charge as well as the members of the Legal Aid Cells explained to the visitors about their specific Legal Aid Cell, mode of functioning, important projects and activities taken up and also answered the queries put forward by the audience. The Cells had also put up charts and posters as well as power point presentations and other innovative modules to depict the functioning and activities of their Cells.

TECHNICAL SESSION : 12 NOON

Introduction and Briefing by Dr. M.R.K.Prasad

Dr.Prasad presented to the participants, the theme of Legal Aid and opined that access to justice would become a mockery if people have to personally represent themselves in Courts of Law. Constitutional Mandate of right to equality is meaningful only if legal assistance is given to inside as well as outside litigation. He explained that "Outside Litigation Legal Aid" denotes assisting people in ascertaining their rights, like legal entitlements and taking proper

course of action. Access to justice becomes meaningful only if the Inside and Outside aspects are met.

Prof Prasad further spoke on the concept of Legal Aid as a constitutional Mandate, statutory obligation and professional obligation. He brought to the notice of the participants the legal aid experience in Delhi University and its initiation in Banaras Hindu University, the first institution to introduce Legal Aid in India in 1972. However Law Colleges in India started taking legal aid seriously only with the Bar Council of India's Circular No. 4/1997 and the "Standards of Legal Education and Recognition of Degrees in Law, 2008".

Prof. Prasad stated that unfortunately, the National Law Schools have not made Legal Aid as part of their curriculum. He raised a query whether there is any mechanism for Bar Council to see if the students who have passed out from these institutions have gone through the required practical paper training. Finally he shared with the participants the Seven Principles of Legal Aid namely, Legal representation, legal awareness, community empowerment, para legal services, public interest litigation, promoting Alternate Dispute Redressal Systems and Law Reform. Law Faculty though deprived of the first element; the other six areas are open for the Law Colleges to perform.

Technical Session:

GROUP DISCUSSION – 12.30pm – 1.30 pm

Seven Questions for Group Discussion were displayed to the participants. Groups were formed by random numbering system, the participants taking no.1 to 7 and later all identical numbers forming a group. As far as possible the participants coming from the same state and same institution/dept were kept in separate groups. The groups were given one hour time to brainstorm, deliberate and evolve suggestions on the given question.

The questions for group discussion were as follows:

- 1. What are the various kinds of services that a law school (college) can deliver through their legal aid clinics and what would be the purpose/objective of each such kind of clinic?**
 - a. What are the clinics colleges presently have?
 - b. What other clinics the colleges could have?
 - c. What are the various kinds of clinic, the colleges may plan to have in future.

- 2. What are the short comings the legal aid clinics face in rendering effective legal service?**
 - a. Infrastructural shortcomings.
 - b. Financial shortcomings.
 - c. Human resources concern.
 - d. Organizational shortcomings.
 - e. Others.

- 3. What are the cost effective methods to establish and strengthen clinics in all law colleges across the country?**
 - a. What would be the organizational structure?
 - b. How to raise funds for the activities?
 - c. How to minimize the costs?
 - d. What would be the system of regulation of finances?

- 4. What are the ways in which all or majority of the students in a law college could be used to render effective legal service to the community more specifically, the marginalized and needy communities.**
 - a. How students should be grouped?
 - b. What would be the groups functioning methodology?
 - c. What would be the monitoring systems?
 - d. What would be the rewards or benefits to students?

- 5. What are the available opportunities to develop linkages between the clinics and legal service authorities, NGOs and other stakeholders?**
 - a. Identifying the stakeholders?
 - b. What kind of collaborations required with the identified stakeholders?
 - c. Forging amicable and sustainable relationship with the stakeholders.
 - d. Policy on placements with the stakeholders

- 6. How to develop networking among law school based clinics to share best practices within the state and at national level.**
 - a. Identifying the stakeholders for networking
 - b. Different methods of Networking with the identified stakeholders
 - c. Obtaining funding for such activity.
 - d. Forming a national/state level body for facilitating the network.

- 7. What should be the basic policy guidelines for law schools to have functionally effective legal aid clinics?**
 - a. What should be the Academic policy?
 - b. What should be the Organizational policy?
 - c. What should be the scheme for assessment and evaluation?
 - d. System of review.

All the seven groups deliberated on their respective Workshop Question and one person or a combination of persons was to be predetermined to present the findings and suggestions of the group. The groups broke for lunch and were instructed to assemble back at 2.20 pm for the presentation of the group discussion.

WORKSHOP PRESENTATION: 2.30 pm – 4pm

The workshop presentation started at 2.30 pm. Mr. Ajay Pandey, Professor, Jindal Global Law School was the moderator for the workshop presentation. The suggestions put forward by the groups question wise, are as follows:

Group I

The main question for the group was 'What are the various kinds of services that a law school (college) can deliver through their legal aid clinics and what would be the purpose/objective of each such kind of clinic?'

The representative for Group I stated that presently the colleges have legal aid clinics set up as per the NALSA guidelines. The other clinics which the colleges could have include clinics for Child Rights, Legal Education and awareness leading to Socio legal case studies, Labour Law, Environment, Land Laws, litigation free village program, sensitisation on Cyber Crimes, Village Adoption Program, Alternate Dispute Resolution, Welfare Legislation and for holding Quiz Program for school/college students. All of these could be strengthened by way of Legal Clinical Course to be taught by practicing lawyers and collaboration with religious heads and others.

The kinds of clinics which the Colleges would plan to start in future are clinins on socio legal development, sustainable development, human rights and human development.

Group II

The workshop question for this group was "What are the shortcomings the legal aid clinics face in rendering effective legal service?"

Group II stated that the infrastructural shortcomings reflect on functioning of legal aid cells and even conducting of Moot Courts. The group suggested that effective space sharing can be met by the legal aid clinics collaborating with panchayats and religious institutions. This is to be supplemented by sufficient funding by Universities and bar Council. Whenever problems/ cases beyond the scope of student run legal aid arises, such matters are to be directed to the Legal Services Authority for effective action.

Financial shortcomings relate to geographical limitation at times and that the District Legal Services authority is not entirely funding the legal aid programs. There should not be discrimination between National law schools and other law colleges in funding matters. Due

to lack of funds, the legal aid cells are not able to conduct the programs. No extra financial aid is provided to the faculty involved in legal aid supervision and work. Permanent Legal Aid Centres are required in rural areas which would help the Law Colleges to do legal aid campaigning. The functioning of the Cell is to be advertised duly via pamphlets and other means. Presently Legal services Authority take lawyers and faculty in their training programs. This should be extended to law students as well and they should e effectively trained.

Human resources concern for legal aid cells is primarily lack of legal awareness in rural areas. Faculty along with students should visit rural areas and legal literacy programs should focus on illiterate persons.

Organizational shortcoming is that very few faculty members are involved in legal aid work. Any time when problems/ cases beyond the scope of students arise, they should be directed to LSA. Complex procedures in government departments are also a hurdle in the way of legal aid programs.

Group III

The workshop question for this group was 'What are the cost effective methods to establish and strengthen clinics in all law colleges across the country?'

The group representative reported that the clinics comprising solely of law students face a language problem as many students do not know the local language. Therefore they suggested that association with local clubs would e useful in solving the language barrier. It was also opined that there should be a legal aid panel comprising of alumni, advocates and judges. This should be a pro bono panel rendering free legal aid. Even tie up with NGO/ Women's Commission/ Child Rights Commission can be made. The Clinic members should visit the Panchayats and work with the funds provided by the Panchayats. Every 30 – 40 groups should have a coordinator as well as a head coordinator. State LSA should conduct ADR camps and visit legal aid cells regularly.

On the issue of how to raise funds for the legal aid activity, group III was of the opinion that

each College has its own customized way of fund raising. DLSA provides funds indirectly for legal literacy programs. In addition to this the Lions Club also contributes in certain places. Donation boxes can be kept for raising funds and contribution may be collected from people including the students themselves. Universities can set apart a part of student fees for meeting legal aid expenditure. Efforts should be taken to obtain funds from research centres, Consumer Redressal Forum Fund, collect from lawyers, fund from SLSA. For each type of program, fund should be ascertained and maintained. Proper auditing is required with respect to the legal aid fund. A Finance Committee with a faculty advisor is to be set up and Annual report regarding the fund details should be made mandatory.

On the aspect of cost minimization, the group suggested that tax exemption facilities should be provided for, in case of any contribution made towards Legal Aid Fund. Local bodies shall provide venue for legal aid camps.

Finances are to be regulated by a Financial Committee which shall prepare an audit report of the fund spent by the law schools. A Professor should be kept in charge of finances.

Group IV

The workshop question for group IV was 'What are the ways in which all or majority of the students in a law college could be used to render effective legal service to the community more specifically, the marginalized and needy communities?'

On the question of how the students are to be grouped, Group IV suggested that all students should be compulsorily made a part of Clinic. The minimum number of legal aid programs a student need to attend should be prescribed. The students should be given some amount of freedom in choosing the groups for effective functioning. Each group has to function in a locality familiar to all of them, or at least to one member of the group. Two final year students should be included in every group who shall lead the juniors. Students from all classes should be involved in a group. Many students from the same class should not be preferably be in a group so as to avoid domination of any class within a group. A faculty should be in charge of a

group to whom the students can report to. A senior student should be made in charge of a group. There should be a Deputy in charge who would take up, when the Cell in charge pass out from the college. There should be decentralization of groups.

On the functional methodology of the groups, it was pointed out that, there should be a theme for the groups for a semester. The members of the Cell should be given adequate training to work effectively within a group. The program for the semester should be designing like for example – street play, seminar etc. The date and venue of each program should also be planned and fixed well in advance. The faculty should ensure that work is distributed evenly to all the groups. After each program, there should be a group meeting, and a report should be made of the same. This report can be made a reference data for future, when students conduct a similar program

Regarding the monitoring system, Group IV suggested that there should be an Annual report of the functioning. Attendance Record should be maintained by the group and scrutinized by the Monitoring Committee. The entire work of the year should be recorded and maintained for inspection.

The rewards or benefits to students should include Marks/ Grade and certificate / letter of recommendation by the University. It was stressed that any benefit in money form should be avoided.

Group V

The workshop question to the group was 'What are the available opportunities to develop linkages between the clinics and legal service authorities, NGOs and other stakeholders?

On the aspect of identifying the stakeholders, the group remarked that the stakeholders will include Mitramandals, farmers, self help groups, sthree sakthis, co operative societies, tribal communities, cable network, religious institutions/groups, Municipalities, students of schools and colleges, NGOs, health organizations, Disaster management groups, and Senior Citizens' Groups.

The kind of collaborations required with the identified stakeholders will comprise of tax concession for contributions towards legal aid fund, making available expert resources at rural and urban areas, providing volunteers for awareness programs, sharing of resources, pamphlets, booklets etc, building a network, filing joint PIL. Animation as a tool can be used as part of documentaries and films for legal awareness. Peace March and other joint efforts should be organized.

Amicable and sustainable relationship with the stakeholders can be ensured by way of Periodic Participation by way of joint meetings, consultation on relevant matters, joint publication, continuous training program on capacity building etc. The program banner should acknowledge, recognize, and honour the stake holders by including the emblem, name etc of contributors/sponsors. Alumni should also be effectively involved in all activities of the Clinic.

Policy on placements with the stakeholders should comprise of encouraging clinic members to contest elections and finding placement for the students. The BCI should give incentives to members.

Group VI

The workshop question posed to this group was 'How to develop networking among law school based clinics to share best practices within the state and at national level.'

The group observed that stakeholders for networking should take hold of volunteers of the legal aid cells, students involved with NGOs, students interested in specific activities, students in a locality, Students Forum in a city, Teachers Forum, District Legal Services Authority and State Legal Services Authority.

The different methods of networking with the identified stakeholders will include Internet – website and updates, pages for sharing data on social networking sites etc. Publication of journals/ magazines was also suggested as a significant networking methodology. Workshop and discussions on experience sharing, difficulties, future programs, and reforms should be

held. A Directory of Law Colleges Legal Aid Clinics should be maintained.

Regarding the issue of obtaining funding for such activity, it was suggested that the NSS Model (Sponsored by Ministry of Youth Affairs) may be adopted under the auspices of Ministry of Law and Justice and Ministry of Social Welfare. Contribution from Lawyers and Bar Council of India may be collected as well as sponsorship from companies/firms may be obtained.

Commenting on the question of forming a national/state level body for facilitating the network, the Group representative reported that there should be maintained at the college level , a body of active volunteers. At the University Level, information on legal aid clinics should be provided. At the District Level – Panchayat and Blocks shall associate with the Clinics. There shall be a National and State Level committee to regulate the entire activity and to render timely advice to college level bodies. There has to be a Knowledge Committee at every level.

Group VII

The workshop question to group VII was 'What should be the basic policy guidelines for law schools to have functionally effective legal aid clinics?'

On the point of what should be the academic policy, it was suggested that there should be a uniform academic policy for all the Law Colleges. Only then the BCI will be able to keep a check on the practical implication of the policy. It was pointed out that in many Colleges junior teachers are usually assigned legal aid work. It is necessary that more experienced teachers should take charge of Legal Aid. First Year Students should be given a glimpse of legal aid process. Second and third year students should be members of Clinics, Final Year students should be designated as the group head. 40 % of the paper should comprise of actual practical work. 60% can be kept for theory part out of which 20% should be based on practical work like depicting a case study. Students are to be motivated by way of scholarship, incentives, fee concession, and award of certificate of participation. Legal Aid Cells may be

specialized for paralegal services, PIL, etc

Regarding the organization policy, the group observed that there should be a hierarchy of organizational structure in the ascending order with the group members at the root level, preceded by group heads. Group members and group heads will form a Clinic. The Clinic has to report to a team of two faculty members, who shall report to the Head of the Department. The HOD shall further report to the Principal/Director.

The scheme for assessment and evaluation shall be context based, based on actual contribution in legal aid during the entire course. For this purpose, the type of people with whom the student interacted with, the number of hours he/she has worked, problems encountered and solved etc are to be considered.

The review system should be in the line of a Panel comprising of retired judges, faculty NGO, and Journalist who shall review the functioning of the Clinics.

Concluding Remarks – End of the Session

The Session having came to an end at 4.00 pm with the concluding remarks by the moderator Prof. Ajay Pandey and, the Conference was adjourned for the next day, 5th of July 2011

REPORT OF THE PROCEEDINGS OF 5TH JULY 2011

Opening Session: 9.30am – 10.30 am

The session started at 9.30 am with the reporting of the sessions and deliberations of the First day of the Conference on 4th July 2011, by the compere. Each of the participants was supplied with a copy of 'Workshop Reporting' and deliberations of the first day of the Conference.

Welcome address:

Mr. Shivanand V. Salgaocar, President, Governing Council of V. M. Salgaocar College of Law delivered the welcome address and extended a warm welcome to each of the dignitaries on the dais, other Government of India officials and UNDP officials, and the National and State Legal Services Authorizes, students and faculty of the various Law Colleges in India. He expressed his pleasure in this College having been selected for the UNDP Project and opined

that a conference of this nature will benefit the community at large and the students specially to be socially committed lawyers.

Address by Shri. U.Sharath Chandran, Member Secretary, NALSA

Shri Sarath Chandran stated that Student Legal Aid Clinics has been a theme very close to heart in NALSA, because the future lawyers should be trained in legal services, else they would merely concentrate on getting financial return. He opined that Legal Services is no more a charity and that 'access to justice' has attained the status of a constitutional right and has even taken the form of a fundamental right under Article 21 of the Constitution of India. He expressed pleasure to note that the previous day's workshop was in tune with the guidelines issued by NALSA, which has been converted into Regulations by NALSA, which would be shortly be getting statutory status under the title NALSA Legal Aid Regulations 2011.

The Regulations aim at involving paralegal volunteers and legal services to be considered as part of development wherein an individual is empowered at par with others and thereby can contribute towards the nation building process. The welfare schemes should reach the poor man, as they would be economically empowered as well as become a part of the nation building and development process. This is the new community based perception of legal services, rather than a lawyer based one. That is why the focus is on community based legal services which requires para legal volunteers who can attend to the needs of the common man.

Shri Sarath Chandran pointed out to the participants S.4(k) of NALSA Act under which NALSA can direct establishment of law clubs in all schools and colleges. NALSA has suggested to the BCI that they should see that unless a final year student satisfactorily performs legal aid services, he should not be recognized by the BCI. This is under consideration of the BCI.

Keynote Address by Prof. Dr. N.R. Madhava Menon

Dr. Menon stated that he deemed it as a privilege to associate with this important initiative on

the part of NALSA, UNDP and Law Colleges. This will give a new dimension to access to justice through the legal aid clinics of the law colleges. UNDP project has helped to identify the legal aid activities that are happening in the various law colleges. The data put together will help in bringing in a National policy for taking the mission forward.

Dr.Menon presented an outline of the history of Legal Aid in India and opined that an overview is necessary while planning a policy for future. He narrated the accidental way in which he was drawn to legal aid and illustrated the incidents which led the students and faculty at Delhi University in 1969 took up for the first time a legal aid matter, which resulted in drawing media attention as well as setting up of the First Legal Aid Services Expert Committee with Justice V.R. Krishna Iyer as the Chairperson. This initiative at the Delhi University also resulted in the publication of a book in 1974 titled 'Legal Aid and Legal Education' in which the Chapter on law schools and legal aid is suggested to be read.

Justice V.R. Krishna Iyer Committee Report was titled as 'Processual Justice to the People' which identified the 12 different activities which fall under the concept of Legal Aid which include, legal representation, PIL, legal awareness, para legal training to social workers, legal aid clinics, legal literacy and educating on social welfare programs, promoting ADRS, Law Reform, research in legal services, coordination with NGOs and government authorities. Dr. Menon also outlined the role played by Justice P.N. Bhagwati in constituting a committee for implementing of legal aid scheme, resulting in organization of Lok Adalats and made it popular ,as part of legal aid.

He further stated that there is no place for a conventional legal aid in India. Unlike USA and UK the people here do not have the literacy to understand their rights under the established English system of justice prevailing in India. The three 'A's enunciated by Justice Bhagwati in the context of legal aid are Awareness, Assertiveness and Availability. Awareness can only come from law colleges and other persons like retired teachers, judges etc who have knowledge of law.

Dr.Menon elaborated on the LL.B Curriculum including 4 Core Courses of 100 marks each, as Practical papers, which were prepared by National Law School and adopted by BCI. Legal Aid offers professional education to students and contribution to society. There is a need to integrate legal aid with legal curriculum. Dr. Menon referred to the 1990s as the golden era, where institutions like V.M. Salgaocar College of Law has taken a lead in legal aid services, and remarked that that no other law college has filed so many PILs . However he said that he is not in favour of law schools in litigative claims which are to be better done under the supervision of practicing counsels. PIL is different though, where law Colleges can play an effective role.

Dr. Menon pointed out that while drawing any future plans, one should keep in mind the fact that legal system in India caters to less than 20% of the population in India, which means awareness is required. As a result of RTI and visual media, demand for legal services will grow euphoniously. The legal profession should assess whether they are prepared for this task. He stated that Legal Aid Clinic Budget should be part of Legal Education Budget and that the fund should come from law colleges. He called for the preparation of an Inventory of activities in law colleges to improve the quality of legal education while rendering service to the community, keeping in mind the two types of activities – Preventive Legal Aid and Curative Legal Aid

Dr. Menon put forth various guidelines which may be considered by the Conference at the time of policy formulation.

- a) Persons entitled to legal aid should be ascertained with due care. As of now, all women, all dalits, all SC/ST, all children are entitled to legal aid So, nearly 2/3rd of Indian population are entitled to legal aid. Whoever has annual income of less than 4 lakh rupees should be entitled (creamy layer model)
- b) There is no limit to the type of activities relevant to the society/locality. Victim compensation and Plea bargaining under chapter 21 A of CRPC shuld be included and

awareness created of all these.

- c) Law schools have tremendous role in rural areas along with Gram Nyayalaya
- d) Draw viable legal aid schemes giving services and legal education. Already 100 colleges in India have such schemes. The other out of 900 should see how it is viable and how it can be adopted

Dr. Menon further put forth various Suggestions which may be considered by the Conference at the time of policy formulation, as the specific responsibilities of teachers, management, Bar Council and Legal Services Authority.

i) Responsibilities of Teachers:

- Teachers should volunteer time even at the cost of personal inconvenience and make commitments.
- Teachers shall prepare project proposals, identify the projects, collaborate, assign responsibilities on functionaries, prepare budget, review, accountability, and get such project proposals approved by management of college and LSA at the station.
- Teachers shall select students, prepare them to undertake responsibilities, prepare manuals to follow, give academic credit, prize, word of appreciation at the convocation etc for legal aid work.
- Teachers shall explore channels of integration of such students activities with the curriculum.

ii) Responsibilities of Management:

- Management shall accept the fact that legal clinic is part of curriculum and provide seed money
- Management shall recognize the need for clinicians, full time law teachers trained in the art of teaching clinical education, who may be assigned mostly with clinical teaching
- Management shall entrust the budget to a teacher in charge

➤ Management shall allow programs collaborating with the community and NGOs

iii) Responsibilities of Bar Council/ association

- Bar Councils shall amend the rules to permit legal representation rights to students in pro bono cases.
- Bar Councils shall allow final year students to represent cases under supervision.
- Suitable amendment to right to practice shall be made.
- Practical component in curriculum shall be enlarged.
- Bar Councils shall provide guidelines to ensure professional responsibilities.
- Bar Councils to direct the Bar Associations appropriately to discharge legal aid obligations.
- Bar Council shall appeal to the Law firms and senior advocates to provide financial assistance and guidance for legal aid clinics.

iv) Responsibilities of Legal Services Authority

- Legal Services Authority shall constitute a Committee in each state, comprising of Clinical Law teachers, NGOs, reps of Legal Services Authorities working with the mandate to accredit law clinics and classify them on the basis of capacity to take up legal services.
- Legal Services Authority shall direct the law clinics to associate with it.
- Legal Services Authority shall institute awards for best performing legal aid clinics.
- Legal Services Authority shall enroll newly enrolled advocates in the legal aid panel
- Legal Services Authority shall award protocols for legal aid work and disseminate the best practices in law teaching institutions.

Presidential Remarks by Smt. Neela Gangadharan, Secretary, Ministry of Law and Justice, Government of India

Smt. Neela Gangadharan stated that the most challenging problem for the government today is inequality in income and resources, and access to justice. Legal system does not cater

to the poor man to have access to justice. Media gives more of negative attention on the governmental performance and administration, even though media is playing an appreciable role. She called upon the Legal aid cells to do research on the drawbacks of our system and find/ suggest practicable solutions. This should be done as an action research project.

Smt. Neela Gangadharan further opined that though communication has helped in reaching the 'unreached', reaching them in terms of entitlements is a major task which legal aid clinics should take. Too much of emphasis is given on welfare schemes. Facilitating the litigation is also equally important. Duties towards the society is to be given due reverence; lawyers should also teach the duties, and not merely the rights. 13th Finance Commission awards distributed to state authorities, Rs.200 crores to be allotted for strengthening legal aid system. So funds are not actually the problem but the proper utilization and determination of allocation is the core issue.

Vote of Thanks

Prof. Dr. Marian Pinheiro presented the vote of thanks. He expressed that Law Colleges have vast amount of human resources and students have time to dedicate for legal aid work. Regarding legal aid, money had never been a problem at VMS. Dr. Pinheiro thanked the dignitaries and the participants and express hope that Legal Services Authorities and Law Colleges will have a lasting link with one another.

Brief Report of the Findings of the Study - 11am to 12 noon

Prof. Dr. MRK Prasad presented a brief report of the study, wherein he stressed on the importance of law schools in rendering legal aid and its effectiveness in involving law students. He presented a report of the UNDP Access to Justice Project undertaken by V. M. Salgaocar College of Law. He narrated the scope of the study, the seven states to which the study extended, the methodology followed in selecting 5 good law schools from the seven states under study and five schools across India. He pointed out that the study is not confined

to just the seven states but also include best practices from other places from India and abroad in USA, Australia, South Africa

Preliminary data was collected by way of questionnaires dispatched to all law colleges in the seven states , a total of 417 in number. Only 30 forms were filled and sent back. Five research assistants, students of VMSCL hailing from the states under study, called each of the law colleges by phone. A total of 134 Colleges were contacted. Thereafter sample was selected. Later, an in depth study questionnaire was sent to the selected colleges which were to be collected by the team visiting them . The visiting team also intended to interact with the faculty and students. The different questions answered were presented in statistical charts and tables format. The findings were communicated by Prof. Prasad.

Prof. Prasad later shared his experience in visiting the Model Law Schools in India and projected the best practices in these schools in the area of legal aid.

1. NUJS, West Bengal: In collaboration with Human Rights Initiative, the College runs a prison clinic; course on anti trafficking; and effective rural governance.
2. Jindal Global Law School: The School facilitates villagers' effective participation in public affairs; good governance; sustainability to the initiatives and capacity building.
3. Symbiosis Law School: The College has five legal aid cells, have undertaken adoption of a village, and has created seed money of Rupees 20 lakhs.
4. ILS, Pune: The College runs On and Off campus clinics and operate with NGOs
5. V.M. Salgaocar College of Law – The College maintains 38 permanent legal aid cells, providing paralegal services.18 PILs have been successfully filed. The College also undertake Law Reform, hold a Prison Clinic and a Consumer Clinic
6. JSS Law College, Mysore: The College undertakes need based legal literacy Program
7. NLSIU, Bangalore: The College has a Cyber Legal Aid Cell

Thereafter Prof. Prasad presented the experience in foreign countries namely, USA, Australia and South Africa. He called upon the Conference to draw up a Policy Framework for law

schools/colleges, BCI, Ministry of Law and Justice, Legal Services Authority and Judiciary. Dr. Madhava Menon suggested that NGOs be also added to this list.

TECHNICAL SESSION – I (12 noon – 1.30 pm)

Four Questions for Group Discussion were displayed to the participants. Groups were formed by random numbering system, the participants taking no.1 to 4 and later all identical numbers forming a group. As far as possible the participants coming from the same state and same institution/dept were kept in separate groups.

The questions for group discussion were as follows:

1. What should be the structure of the clinics?

- a. Where to situate.
- b. How many students in each clinic.
- c. Having teacher in-charge.
- d. Enlisting support for local authorities.
- e. Functional timings
- f. Defining activities.



2. What should be the policy of clinics.

- a. What should be the focus of the clinic?
- b. What human resources you required?
- c. What kind of services would be undertaken by the clinics?
- d. Identifying the beneficiaries of those services.
- e. Generate and monitoring funds.
- f. Infrastructural requirements.
- g. Academic credit for students and faculty

3. Training of Faculty.

- a. Who will train?
- b. How and when?

- c. Academic credit and leave for such training.
- d. Modes of training Ex. Summer School, training center/academy
- e. Generating training Manuals
- f. Feed back on training.

4. Training of Students

- a. How to train
- b. Methodology of training
- c. Academic credit for undergoing the training
- d. Who would train
- e. Evaluation and assessment

All the four groups deliberated on their respective Workshop Question and one person or a combination of persons was to be predetermined to present the findings and suggestions of the group.

Workshop Reporting and Discussion (2:30pm – 4:00pm)

The workshop presentation started at 12 noon. Dr. Nomita Agarwal, Dean, Delhi University was the moderator for the workshop reporting

Group I

The point of deliberation for the group was the desirable structure of the clinics. On this question the following heads were commented on:

- a. Location: There should be two centers – (i) Off Centre and (ii) On Campus Clinics. The Centre may be located at the community centers or local body's office in the rural areas and in the Municipalities or Secretariats in the urban places.
- b. Membership: The number of student members in a clinic should be desirably 10 -15
- c. Teacher in Charge: On Campus clinics should be run under the guidance of a faculty in charge. Advocates and subject experts may also be taken guidance of.
- d. Enlisting support for local authorities: the clinics should associate with local bodies



and financial support as well as official information may be availed of from the local authority.

- e. Functional timings: The time of functioning may vary with the location. On Campus Clinics should function for 1-2 hours a day, either during morning or evening hours. The timings should be notified to the general public a week or a month in advance. Off Campus Clinics should function on Sundays and holidays; the time should be notified.
- f. Defining activities: Activities may involve both preventive as well as punitive legal aid. Literacy programs are significant.

Group II

This group was asked to deliberate on the policy of clinics. The following remarks were made by the group representative:

- a. Focus of the Clinic: The focus should be need based depending on the location and concerns of the particular societal group. The focus may also be on marginalized groups including women, and children.
- b. Human resources: The clinics require trained faculty and practising advocates for guidance and expert support.
- c. The kind of services: The clinics would undertake services in the nature of legal awareness and para legal services
- d. Identifying the beneficiaries of those services: The group did not comment on this point.
- e. Fund generation and monitoring: Fund may be generated by way of fees from students as well as fund from DLSA, Corporates, Advocates, NGOs and Law Firms. Fund may be availed of from the Central Government Budget, from Religious and charitable institutions and from MLAs/MPs
- f. Infrastructural requirements: There should be an office with cyber facility and at

least two staff clerks functioning 365 days. There has to be networking facility between Law Colleges

- g. Academic credit for students and faculty: Students may be granted 5-10% exemption in other assignments. Encouragement through awards and Identification Badge is called for. Faculty may be rewarded through salary increment and recognition.

Group III

The topic for deliberation for this group was the aspect of training of faculty. The following suggestions were made:

- a. Trainers: Qualified and experienced faculty should be appointed by DLSA to train the faculty on legal aid and running of clinics.
- b. Time of training: The training should be scheduled before the start of the academic year.
- c. Academic credit and leave for such training: Faculty may be allowed to avail of paid leave and earned leave. Increments shall be given based on accomplishments.
- d. Modes of training: There should be one main centre as the recognized primary training centre. There shall also be branches all over India, on geographical basis
- e. Generating Training Manuals: There shall be one uniform Training Manual for all centres. The Training Manual should be drafted by a single panel comprising of one member from Central Ministry, two persons from BCI, two from NALSA and one from each State legal Service Authority.
- f. Feed back on training: Feedback form should be maintained and feedback collected. The Participants should give a Progress Report to the institution concerned.

Group IV

This group deliberated on the aspect of training of students. The group suggested on the following points:

- a. How to train: Training can be conducted in two ways – practical way and theoretical way. The former includes field work by students and the faculty members visiting villages.
- b. Methodology of training: Training may be centred in classroom and workshop situations. In addition to this, there shall be visits to already established legal clinics in the Law Colleges. Workshops, seminars, orientation programs as well as lectures by clinical experts are to be conducted.
- c. Academic credit for undergoing the training: The academic credit maybe through Scholarship, Certificate, Grade and grace marks
- d. Who would train: Training shall be by experienced person like retired judges, senior lawyers, faculty having special experience, social activists and administrators
- e. Evaluation and assessment: This may be by way of a viva by a panel as also based on feedback from beneficiaries. There should also be Self assessment and competitions to complete the assessment process.

Concluding Remarks by Dr. M. Pinheiro

Dr. M. Pinheiro, Principal of V.M.Salgaoar College of Law delivered the concluding remarks wherein he expressed that he is hopeful that Legal Services Authority and the Law Colleges will co ordinate with each other in achieving meaningful legal aid services. He thanked the guests and participants for attending the Conference. The Session came to an end at 4pm on 5th July 2011.