

REPORT ON THE ACTION TAKEN PROJECT

TITLED

**"ANALYSIS OF FUNCTIONING OF LEGAL AID CELLS IN VARIOUS
LAW SCHOOLS/ UNIVERSITY DEPARTMENTS/PRIVATE
UNIVERSITIES"**

**SUBMITTED TO DEPARTMENT OF JUSTICE,
MINISTRY OF LAW AND JUSTICE**

**PROF. KANWAL DP SINGH
PRINCIPAL INVESTIGATOR AND DEAN**

**UNIVERSITY SCHOOL OF LAW AND LEGAL STUDIES,
GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY, NEW DELHI**

USLLS PROJECT ON
ANALYSIS OF FUNCTIONING OF LEGAL AID CELLS IN
VARIOUS LAW SCHOOLS/UNIVERSITIES/DEPARTMENTS/
PRIVATE UNIVERSITIES

Table of Contents

Description	Page No.
ACKNOWLEDGEMENTS	iv
PREFACE	viii
ABBREVIATIONS AND ACRONYMS	xi
INDEX OF CASES	xv
INDEX OF TABLES	xviii
INDEX OF FIGURES	xxiii
EXECUTIVE SUMMARY	xxvii
PART-I INTRODUCTION	1-17
• Background of Research	
• Research Objectives	
• Research Methodology	
• Scope of Research- Target Groups	
• Scheme of Report	
• Significance of the Study	
• Limitations of the Study	
PART-II LEGAL AID- AN OVERVIEW	18-56
• Concept and Significance	
• International Legal Framework in Legal Aid	
• National Legal Framework in Legal Aid- Constitutional and Statutory	
• Judicial Expansion	
• Legal Aid in Educational Institutions	
• Impediments of Legal Aid	
PART-III DIGITIZATION IN LEGAL AID	57-91
• Digitisation	
• Relevance of Digitization in other areas	
• Structure of Digitization	

PART-IV STAKEHOLDERS OF LEGAL AID- LAW SCHOOL	92-152
1) Delhi	
2) Punjab	
3) Uttar Pradesh	
4) Himachal Pradesh	
PART-V STAKEHOLDERS OF LEGAL AID- LAWYERS	153-187
Comparison of Delhi, Punjab, Uttar Pradesh & Himachal Pradesh	
PART-VI STAKEHOLDERS OF LEGAL AID- LITIGATING PARTIES	188-217
Comparison of Delhi, Punjab, Uttar Pradesh & Himachal Pradesh	
Part-VII LEGAL AID: DISCUSSION ON GROUND REALITY	218-228
PART-VIII BEST PRACTICES OF THE FIELD	229-253
PART- IX DIGITIZATION POLICY: A WAY FORWARD	254-267
a) Link between Bar Council of India and the Law School	
b) Link between the Law School and the Community	
PART-X – REPORT OF THE SYMPOSIUM AND STANDARD OPERATING PROCEDURE	268-289
PART-XI FINDINGS AND RECOMMENDATIONS	290-304
• Major Findings	
• Analysis and Conclusion	
• Suggestions	
• Outcome of the Project	
• Scope for further Research	
PART XII BIBLIOGRAPHY	305-315
PART XIII ANNEXURES	316

ACKNOWLEDGEMENT

"ALL GOOD THINGS EMANATE FROM GOD AND TO HIM GOES ALL THE GLORY"

A project of this magnitude could not have been accomplished without the blessings of Almighty, concentrated team work and due diligence of a number of people involved.

At the outset on behalf of the Project Implementation Committee, I want to express my gratitude to each and every one associated with this project for nurturing and ensuring the completion of this project to its envisioned conclusion.

First and foremost, I owe my sincere gratitude to the Department of Justice, Ministry of Law and Justice for entrusting University School of Law and Legal Studies, GGSIPU with this project titled "Analysis of Functioning of Legal Aid Cells In Various Law Schools /Universities/Departments/Private Universities" and imposing faith in the department to implement the aims and objectives of the project most efficaciously. Heartfelt gratitude to Sh G R Raghvendra, Joint Secretary, Department of Justice, Sh. C K Reejoniya, Director of the Scheme and Sh. Z A Khan, Under Secretary, Department of Justice for their untiring cooperation.

I thank Prof Anil K Tyagi , Hon'ble Vice Chancellor, Guru Gobind Singh Indraprastha University, Prof Pushplata Tripathi, the Pro Vice Chancellor and Sh Satnam Singh, Registrar, GGSIPU who have enabled us to execute this project with complete support. I also express gratitude to the finance department of the GGSIPU for their support.

Though the captain leads the ship, the crew is most crucial to ensure that the ship is steered in the right direction. The Project Implementation Committee at GGSIPU diligently collected raw data across the four States of

Delhi, Punjab, Uttar Pradesh and Himachal Pradesh. The data was collected in a span of four months from these states covering almost 36 law schools. The committee proactively went beyond the proposal and to get a fair idea from other stakeholders along with the law schools went on to collect data from litigants as well as lawyers. The faculty colleagues took all pains to guide the students, hold meetings to monitor progress and coordinate between the Ministry and GGSIPU authorities. The faculty members themselves visited universities balancing their teaching responsibilities alongside. This monumental as well crucial task of data collection could not have been accomplished without their complete involvement and active approach. The Research Associates left no stone unturned to complement the efforts. Special thanks are due to Dr. Deeksha Bajpai Tewari, Asst Professor, Dyal Singh College, University of Delhi for her interdisciplinary contribution and constant support in this research work.

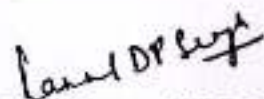
Thereafter, the mammoth task of condensing the data into cohesive data was the next step. We spent hours into presenting the data in such a manner that it is not only comprehensible but also analysed in a manner that it can be a ready resource of information to the policy makers. Special thanks are due to Research assistants for the same

Our progress was first put through rigor of a Symposium to seek inputs on our progress of the report and formulate a Standard Operating Procedure involving experts from the field of legal aid, legal literacy and those actively involved in such initiatives. Diverse range of expert speakers from academia, the Bar and technical experts from other fields who have been involved in empirical research and well versed in aspects of report writing guided us through. This symposium was effectively organized by the PhD Scholars of the department who untiringly worked from organizing to rapporteuring to report writing. I thank them profusely for their unconditional support.

It would be remiss of me to not mention the students of USLLS who contributed to field work and collection of data. Report writing is a collective effort for which I thank all the faculty , scholars and staff of USLLS.

Last but not the least my special thanks to Anant and Aakriti, my students who worked much beyond their comfort zones.

I hope that this research contributes to nation building to which all the citizens of India are committed.



Prof Kanwal DP Singh

Principal Investigator & Dean, USLLS

Acknowledgement of Contributors

1. Project Implementation Committee

- a) Prof. Kanwal DP Singh, Principal Investigator
- b) Prof. Amar Pal Singh
- c) Prof. Queeny Pradhan
- d) Dr. Lisa P Lukose
- e) Dr. Upma Gautam
- f) Dr. Vandana Singh
- g) Mr. Zubair Ahmed Khan

2. Research Associates-

Dr. Isha Kaushik and Mr. Ram Kumar.

3. PhD Scholars

Aakriti Mathur, Anant Vijay Maria, Tavleen Kaur Khurana, Rupal Marwah, Anandita Yadav, Sonika Ahlawat, Kavita Singh, Sonali Sharma, Shivani Singh, Aditi Singh, Anjali Thakur, Alankrita Mathur, Gagan Deep Kour and Rupam.

4. Students Researchers

Anjali Gandhi, K Hema, Bikash Ranjan and Prapti Sharma.

5. Field Work Teams

Mohit Tanwar, Adhyayan, Yashasvi Maleyvar, Himani Khandelwal, Kanika Kaushik, Abhay Pratap Singh, Jharna Singhal, Shreya Sharma, Dakshita Gupta, Sameeksha Sharma, Pallav Pal, Devesh Ahlawat, Hemant Krishna, Adhiraj Joshi, Yashdeep Lakra, Sukrit Dhingra, Dev Sareen, Sachin Singh, Arjun Solanki, Shikhar Singh, Rishika Rishabh, Kaushitaki Sharma, Hritik Kashyap and Dhanjay Sehwat.

PREFACE

Equality and justice have been envisioned as the organizing principles of Indian Constitution in a background of entrenched in-equalities and state of deprivations for a large section of population. Despite over seven decades of planned development, there are large swathes of spaces within India's republican order, where the incidences of deprivations and poverty & ignorance and illiteracy continue to mark an otherwise liberal, secular, inclusive and republican politico-legal system established under the Constitution of India. While the country as a whole is raring to become of the engine of economic growth of entire Afro-Asian region, most cases of suffering even today are of those people who are not aware of their rights and/or cannot afford the services of a trained lawyer due to poverty or indigence. They are barely aware of the fact that even the lowliest and the lost has been assured a life of dignity by the basic document of our politico-legal existence and that there are any number of rules and regulations provided for in the system for every incidence of injustice or violence to the right of the poor and the needy. A whole section of population in a situation of want and poverty has been waiting to be enlightened and liberated.

Article 39A enjoins the state to ensure that the operation of the legal system promotes justice by providing free legal aid and opportunities of securing justice are not denied to any citizen by reason of economic and other disabilities. By way of enacting Legal Service Authority Act, 1987 and establishing a vast paraphernalia of institutional mechanism, the State has made efforts in making justice accessible to the poor, downtrodden and the disadvantaged. During last two and half decades of our republican existence legal service authorities spread across the length and breadth of the country have rendered yeomen's service in the field of provisioning legal aid to the poor.

Legal aid to the poor and the indigent is necessary for the preservation of Rule of Law, as the very idea of civilized state of governance involves the protection of the rights of the weak and the meek. That's why the equality principle envisages the idea of not only the equality before law, but equal protection of laws and Article 22 clearly provides a right to the accused to be represented by a trained lawyer. No wonder that Supreme Court of India has recognized a right to free legal aid and right to speedy justice as fundamental right of an Indian citizen under Article 21 as well.

Needless to say, that legal profession needs to play a dynamic role in legal aid programme and law schools being the recruiting grounds of legal profession, there is an obvious need to inject new spirit into the contents of legal education to make lawyers and legal professionals competent to secure the constitutional mandate of access to justice. Legal aid clinics in Law School systems have been designed basically for the purpose of providing legal advice in terms of basic awareness of the rights of the deprived and poorer sections of the society and helping them avail legal aid services in case of need. As such the law schools through their legal aid clinics serve two-fold purpose, first they serve the poor and the needy and secondly the energies of students are directed in making their contribution to the society. This also leads to sharpening the understanding of students in articulating legal issues and enhances their commitment to the cause of the larger system.

Variety of studies have been done to assess the role of legal aid institutions in delivering legal aid services to the poor, however, the contribution of legal aid clinics associated with law schools have been a penumbral area waiting to be explored and lightened. This study has made an effort in not only assessing the role of law schools but also to explore the drawbacks in the system that hampers an effective delivery of legal aid to the needy and deprived. In an era of fast evolving technological development and especially in the field of digital technology, legal aid services are unlikely to

remain un-affected. The fast-paced digital technology has in fact led to never before situation of 24x7 connectivity of all in the society. This would invariably result in a paradigmatic shift in the way legal services are delivered. This study makes an effort to explore as to how law schools can better deliver legal services in the emerging scenario.

LIST OF ABBREVIATIONS

AALS	Association of American Law Schools
ABA	American Bar Review
ACRWC	African Charter on Rights and Welfare of the Child
ADR	Alternative Dispute Resolution
ALG	Alternate Law Groups
BABSEA CLE	Bridges Across Borders Southeast Asia Community Legal Education Initiative
BCI	Bar Council of India
BHIM	Bharat Interface for Money
CALD	Council of Australian Law Deans
CCTNS	Crime and Criminal Tracking Network and Systems
CrDC	Criminal Defence Centre
CILAS	Committee for Implementing Legal Aid Scheme
CLEA	Clinical Legal Education Association
CLEO	Clinical Legal Education Organisation
CPC	Civil Procedure Code
CrPC	Criminal Procedure Code
CSCs	Common Service Centres
CSR	Corporate Social Responsibility
DLAC	District Legal Aid Committees
DoJ	Department of Justice
DPLS	Directorate for Public Legal Services
DPSP	Directive Principles of State Policy
DSLISA	District State Legal Services Authority
ECHR	European Convention on Human Rights
GDP	Gross Domestic Product
GGSIPIU	Guru Gobind Singh Indraprastha University

GIS	Geospatial Information Systems
GJLOS	Governance, Justice, Law and Order Reform Sector
GoI	Government of India
GRC	Gender Resource Centre
HRC	Human Rights Council
IAU	Indonesia Advocates Union
ICCPR	International Covenant on Civil and Political Rights
ICLA	International Committee of Legal Aid
ICMS	Integrated Case Management System
ICT	Information and Communications Technology
IES	Indian Economic Survey
ILAF	Indonesia Legal Aid Foundation
ILS	Indian Legal System
IT	Information Technology
JFBA	Japan Federation of Bar Association
JJBs	Juvenile Justice Boards
JLAA	Japan Legal Aid Association
JLSC	Japan Legal Support Centre
JRC	Judicial Reform Council
LACs	Legal Aid Clinics
LED	Light Emitting Diode
LSA	Legal Services Authority
LSAA	Legal Services Authority Act
LSO	Legal Service Organisation
LSRP	Legal Sector Reform Program
MGI	McKinsey Global Institute
MOOCs	Massive Open Online Courses
NALEAP	National Legal Aid and Awareness Programme
NALSA	National Legal Services Authority
NAM	National Agriculture Market
NeGP	National e- Governance Plan

NGO	Non-Governmental Organisation
NIC	National Informatics Centre
NII	National Information Infrastructure
NJDR	National Judicial Data Grid
NLAC	National Legal Aid Centre
NLASO	National Legal Aid Service Organisation
NLDA	National Law Development Agency
NLSIU	National Law School of India University
NLU	National Law University
NUJS	National University of Juridical Sciences
ODR	Online Dispute Resolution
OLAP	Ontario Legal Aid Plan
OLT	Office for Learning and Teaching
PAN	Permanent Account Number
PDS	Public Defenders Service
PDS	Public Distribution System
PIL	Public Interest Litigation
PLVs	Para Legal Volunteers
PMGDISHA	Pradhan Mantri Grameen Digital Saksharta Abhiyan
PPP	Purchasing Power Parity
PSE	Public Sector Enterprises
RTI	Right To Information
SLSA	State Legal Services Authority
SoP	Standard of Procedure
TWh	Terawatt hour
UDHR	Universal Declaration of Human Rights
UGC	University Grants Commission
UK	United Kingdom
ULC	Uganda Law Council
UN	United Nations
UNDP	United Nations Development Programme

UPI	Unified Payments Interface
UPR	Universal Periodic Review
USLLS	University School of Law and Legal Studies
VCS	Victim Compensation Scheme

TABLE OF CASES

1. *Abdul Hassan v. Delhi Vidyut Board*, AIR 1999 Del 88
2. *Abul Hassan and National Legal Services Authority v. Delhi Vidyut Board*, AIR 1999 Del 88
3. *Airey v. Ireland* (1979) 2 EHRR 305
4. *Ajmal Kasab v. State of Maharashtra*, (2012) 9 SCC 1
5. *Akhil Bandhu Saha v. State Of West Bengal*, 2006 (2) ALT 217
6. *Almani v. Canada*, 1996 CarswellNat 1422
7. *Arger Singer v. Hamlin*, 407 U.S. 25 (1972)
8. *Ashok Manikchand Chankeshwara v. H.R. Barge* (2007) 2 SCC 776
9. *B.P. Moideen Sevamandir v. A.M. Kutty Hassan* (2009) 2 SCC 198
10. *Babubhai Udesinh Parmar v. State of Gujarat* (2006) 12 SCC 268
11. *Bachpan Bachao Andolan v. Union of India* (2014) 16 SCC 616
12. *Baidyanath Mardi v. State of West Bengal*, 2017 SCC Cal 9537
13. *Bajiban Salambhai Chauhan v. Uttar Pradesh State Road Transport Corporation* (1990) Supp SCC 769
14. *Banwasi Sewa Ashram v. State Of Uttar Pradesh*, AIR 1987 SC 374
15. *Bar Council of India v. Union of India* (2012) 8 SCC 243
16. *Bashere v. Canada (Minister of Citizenship & Immigration)*, 1996 CarswellNat 1006
17. *Bashira v. State of Uttar Pradesh*, AIR 1968 SC 1313
18. *Betts v. Brady*, 316 U.S. 455 (1942)
19. *Bhawar Kanwar v. R. K. Gupta* (2013) 4 SCC 252
20. *Bljoy alias Guddu Das v. State of West Bengal*, 2017 SCC Cal 417
21. *Bodhisattwa Gautam v. Subhra Chakraborty* (1996) 1 SCC 490
22. *Brij Mohan Lal v Union of India* (2012) 6 SCC 502
23. *Budhadev Karmaskar v. State of West Bengal* (2011) 10 SCC 283
24. *Centre for Legal Research v. State of Kerala* (1986) 2 SCC 706
25. *Chaluvadi Murali Krishna v. District Legal Service Authority, Prakasam District, Ongole*, AIR 2013 AP 41
26. *Chaluvegowda v. State* (2012) 13 SCC 538

27. *Champagnie et al. v. Jamaica* Communication 445/1991
28. *Dietrich v. The Queen* (1992) HCA 57
29. *FRO v. Wilson*, 2018 ONSC 3494
30. *Gault, In re*, 387 US 1 (1967)
31. *Gideon v. Wainwright*, 372 U.S. 335 (1963)
32. *Golder v. United Kingdom* (1975) 1 EHRR 524
33. *Hussainara Kathoon v. Home Secretary, State of Bihar*, AIR 1979 SC 1369
34. *Imtiyaz Ramzan Khan v. State of Maharashtra* (2018) 9 SCC 160
35. *Indira Gandhi v. Raj Narain*, AIR 1977 SC 69
36. *Inhuman conditions in 1382 Prisons, In re* (2016) 3 SCC 700
37. *Jatavath Sali v. Mandal Parishad Development officer* (2006) 1 APLJ 413
38. *Jeevan v. State of Uttrakhand* (2012) 13 SCC 598
39. *K.N. Govindan Kutty Menon v. C.D. Shaji* (2012) 2 SCC 51
40. *Kadra Pahadiya v. State of Bihar* (1981) 3 SCC 671
41. *Kalaben Kalabhai Desai v. Alabhai Karamshibhai Desai*, AIR 2000 Guj 232
42. *Kambatuku Immanuel v. The State* (2014) NAHCMD 41
43. *Keller v. Keller*, 2013 ONSC 294
44. *Khatri & Ors. v. State of Bihar & Ors.*, (1981) 1 SCC 635
45. *Kishore Chand v. State of Himachal Pradesh* (1991) 1 SCC 286
46. *Laxmi v. Union of India* (2016) 3 SSC 669
47. *M.A. Antony @ Antappan v. State Of Kerala* (2009) 6 SCC 220
48. *Madhav Hayawadanrao Hoskot v. State of Maharashtra*, AIR 1978 SC 1548
49. *Maharashtra v. Manubhai Pragaaji Vashi*, 1995 SCC (5) 730
50. *Mahesh Bhargawa v. State Of Madhya Pradesh* (1994) ILLJ 1113 MP
51. *Massiah v. United States* 377 U.S. 201 (1964)
52. *Mathai Thommen v. State*, AIR 1959 Ker 241
53. *McDonald's Corporation v. Steel & Morris* (1997) EWHC QB 366
54. *Minani Evarist v. United Republic of Tanzania*, 2018 ACTHPR 1
55. *Miranda v. Arizona*, 384 U.S. 436 (1966)

56. *Mohd. Ajmal Kasab v. State of Maharashtra* (2012) 9 SCC 1
57. *Mohd. Hussain alias Julfikar Ali v. The State (Govt. of NCT) Delhi* (2012) 9 SCC 408
58. *Mohd. Sukur Ali v. State of Assam* (2011) 4 SCC 729
59. *Moni Mathai v. Federal Bank Ltd.*, AIR 2003 Ker 164
60. *Mumtaz v. State (Govt. Of Nct of Delhi)*, 2013 (2) JCC 1308
61. *Municipal Council, Ratlam v. Vardichan*, (1980) 4 SCC 162
62. *New Brunswick (Minister of Health and Community Services) v. G (J)*, (1999) 3 SCR 46
63. *Ogiamien v. Ontario (Ministry of Community Safety and Correctional Services)*, 2015 ONSC 3720
64. *Powell v. Alabama*, 287 US 45(1932)
65. *PT Thomas v. Thomas Job* (2005) 6 SCC 478
66. *R. v. Peterman*, 2003 CarswellOnt 6000
67. *Rajoo alias Ramakant v. State Of Madhya Pradesh* (2012) 8 SCC 553
68. *Rakesh Kumar Paul v. State of Assam* (2017) 15 SCC 67
69. *Rakesh v. State of Madhya Pradesh* (2011) 12 SC 513
70. *Ram Krishan Bharadwaj v. State of Delhi*, AIR 1953 SC 318
71. *Ranjan Dwivedi v. Union of India* (1983) 3 SCC 307
72. *Rhem v. Malclm*, 377 F. Supp. 1995
73. *S.C. Khatril v. State of Bihar*, AIR 1981 SC 928
74. *Sampurna Behrua v. Union of India* (2018) 4 SCC 433
75. *Shatrughan Chauhan v. Union of India* (2014) 3 SCC 1
76. *Sheela Barse v. State of Maharashtra*, AIR 1983 SC 378
77. *State (NCTof Delhi) v. Navjot Sandhu* (2005) 11 SCC 600
78. *State of Assam v. Rabindra Nath Guha*, 1982 CriLJ 216
79. *State of Gujarat v. Shaileshbhai Mansukhlal Shah* (2007) 7 SCC 71
80. *State of Haryana v. Darshana Devi*, AIR 1979 SC 855
81. *State of Maharashtra v. Manubhai Pragaji Vashi*, AIR 1996 SC 1
82. *State of Punjab v. Jalour Singh*, AIR 2008 SC 1209
83. *State of West Bengal v. Anwar Ali Sarkar*, AIR 1952 SC 75
84. *Steel and Morris v. the UK* (2005) 41 EHRR 22

85. *Strickland v. Washington*, 466 US 668 (1984)
86. *Suk Das v. Union Territory of Arunachal Pradesh*, AIR 1986 SC 991
87. *Sunil Batra v. Delhi Administration* (1978) 4 SCC 494
88. *Supreme Court Legal Aid Committee v. Union of India* (1994) SCC 6 731
89. *Surendra Koli v. State of Uttar Pradesh* (2014) 16 SCC 718
90. *Suresh v. State Of Haryana* (2015) 2 SCC 227
91. *T. Suthendraraja v. State Of Tamil Nadu*, 1995 CriLJ 1496.
92. *Tshimanya Williamson Luboya v. The State*, 2007 SCC NASC 1
93. *V. Sudheer v. Bar Council of India*, 1999 (3) SCC 176
94. *V.C. Rangadurai v. D. Gopalan* (1979) 1 SCC 308
95. *Veena Sethi v. State of Bihar*, AIR 1983 SC 339

INDEX OF TABLES

S.No	Description	Page No.
1.	Table No. 4.1 All States: Number of Respondents	93
2.	Table No. 4.2 Delhi: Perception of legal aid coordinators regarding issues faced in providing legal aid	106
3.	Table No. 4.3 Delhi: Legal Aid Cell personnel perception of factors that can increase efficiency in providing Legal Aid	108
4.	Table No. 4.4 Delhi: Perception of legal aid coordinators about factors that can better Access to Justice in providing Legal Aid	109
5.	Table No. 4.5 Punjab: perception of legal aid coordinators about issues faced in providing Legal Aid	123
6.	Table No. 4.6 Punjab: Perception of legal aid coordinators on factors that can increase efficiency in providing Legal Aid	125
7.	Table No. 4.7 Punjab: Factors that can better Access to Justice in providing Legal Aid by Law School	126
8.	Table No. 4.8 Uttar Pradesh: Factors that can increase efficiency in providing Legal Aid by Law Schools.	138
9.	Table No. 4.9 Uttar Pradesh: Major issues faced in providing Legal Aid by Law School	139
10.	Table 4.10 Factors that play an important role in access to justice.	140
11.	Table No. 4.11 Himachal Pradesh: Legal Aid Cell personnel perception of factors that can increase efficiency in providing Legal Aid	149

12.	Table No. 4.12 Himachal Pradesh: Legal Aid Cell personnel perception of issues faced in providing Legal Aid	150
13.	Table 4.13 Factors that play an important role in access to justice.	151
14.	Table 5.1.1 Constant association with legal aid clinics	155
15.	Table 5.1.2 Number of hours in a week	156
16.	Table 5.1.3 Delhi Gender/time analysis	158
17.	Table 5.1.3 Punjab Gender/time analysis	158
18.	Table 5.1.3 Uttar Pradesh Gender/time analysis	159
19.	Table 5.1.3 Himachal Gender/time analysis	160
20.	Table 5.1.4 Catering to genuine needs	161
21.	Table 5.2.1 Maintenance of records by Legal aid lawyers	161
22.	Table 5.2.2 Involvement of legal aid lawyers in Alternative Dispute Resolution (ADR)	162
23.	Table 5.2.2a Kind of ADR activities	163
24.	Table 5.2.3 Involvement of legal aid lawyers in law reform activity	164
25.	Table 5.2.4 Involvement of legal aid lawyers in providing legal aid for Public Interest Litigations	165
26.	Table 5.2.5 Main para legal activities	166
27.	Table No. 5.3.1 Delhi: Perception of Lawyer of factors that can increase efficiency in providing Legal Aid	167
28.	Table No. 5.3.1 Punjab: Perception of Lawyers regarding factors that can increase efficiency in providing Legal Aid	168
29.	Table No. 5.3.1 Uttar Pradesh: Perception of Lawyers regarding factors that can increase efficiency in providing Legal Aid	168
30.	Table No. 5.3.1 Himachal Pradesh: Perception of Lawyers regarding factors that can increase efficiency in providing Legal Aid	169

31.	Table No. 5.3.2 Delhi: Factors that can lead to purposeful Access to Justice	170
32.	Table No. 5.3.2 Punjab: Factors that can lead to purposeful Access to Justice	171
33.	Table No. 5.3.2 Uttar Pradesh: Factors that can lead to purposeful Access to Justice	171
34.	Table No. 5.3.2 Himachal Pradesh: Factors that can lead to purposeful Access to Justice	172
35.	Table 5.4.1 Use of digital communication by Legal Aid lawyers to communicate with target groups	173
36.	Table 5.4.2 Effect of digitisation on efficiency	174
37.	Table No. 5.5.1 Delhi: Issues Faced By Lawyers While Providing Legal Aid	175
38.	Table No. 5.5.1 Punjab: Issues Faced By Lawyers While Providing Legal Aid	176
39.	TABLE 5.5.1 Uttar Pradesh: Issues Faced By Lawyers While Providing Legal Aid	177
40.	TABLE 5.5.1 Himachal Pradesh: Issues Faced By Lawyers While Providing Legal Aid	178
41.	Table No. 5.6 Delhi: Solutions suggested by lawyers regarding factors pertaining to Legal Aid	179
42.	Table No. 5.6 Punjab: Solutions suggested by lawyers regarding factors pertaining to Legal Aid	181
43.	Table No. 5.6 Uttar Pradesh: Solutions suggested by lawyers regarding factors pertaining to Legal Aid	182
44.	Table No. 5.6 Himachal Pradesh Solutions suggested by lawyers regarding factors pertaining to Legal Aid	183
45.	Table 5.6.1 Digitisation is a solution to increase efficiency of legal aid clinic	184
46.	Table No. 6.1: All States: Number of Respondents	190

47.	Table 6.1.1 Awareness amongst litigants regarding the Legal Service Authority Act	191
48.	Table 6.1.2 Awareness amongst litigants regarding the eligibility criteria for free Legal Aid	192
49.	Table 6.1.3 Awareness amongst litigants regarding the provisions of Article 39A and Article 21 of the Constitution	193
50.	Table 6.1.4 Attendance in legal awareness or literacy camps	194
51.	Table 6.1.5 Source of awareness amongst litigants regarding Legal Aid Services	196
52.	Table 6.2.1 Role of literacy/awareness camps in increasing awareness about legal rights of citizen	197
53.	Table 6.2.2 Effectiveness of free legal aid for reasonable, fair, and just procedure of law	199
54.	Table 6.2.3 Effective Infrastructure in Legal Aid Cells	200
55.	Table 6.2.4 Effectiveness of Lawyers to address genuine needs of litigants	201
56.	Table 6.2.5 Effectiveness of Lok Adalat System in providing speedy justice	202
57.	Table 6.2.6 Effectiveness of the Legal Aid Cells	203
58.	Table 6.3.1 Challenges faced in obtaining Legal Aid	204
59.	Table 6.3.2 Challenges in getting experienced lawyers to handle Legal Aid matters	205
60.	Table 6.3.3 Challenges in receiving Legal Aid for Public Interest Litigation	206
61.	Table 6.3.4 Use of digital communication with Lawyers	207
62.	Table 6.3.5 Challenges in availing justice due to economic status	208
63.	Table 6.3.6 Major bottlenecks in Legal Aid System	209
64.	Table 6.4.1 Digitisation as a solution to improve efficiency	210

65.	Table 6.4.2 Digitisation as a solution to improve cost effectiveness	211
66.	Table 6.4.3 Digitisation as a solution to improve communication with authorities to achieve speedy justice	212
67.	Table 6.4.4 Creating a Pan India Project of linking authorities and Legal Aid Cells	213
68.	Table 6.4.5 Coordinated Legal Aid Programme as Solution	214

INDEX OF FIGURES

S.No	Description	Page No.
1.	Fig. 2.1: Impediments of Legal Aid in India	53
2.	Fig. 3.1 Pillars of Digital India	73
3.	Fig. 3.2 Implementation procedure followed for Tele Law	86
4.	Fig. 3.3 Structure to digitalize the Legal Aid System in India	89
5.	Fig. 4.1 Delhi: Responses of the Legal Aid Cells	98
6.	Fig. 4.2 Delhi: infrastructure and the characteristics of the Legal Aid Cells	99
7.	Fig. 4.3 Delhi: Achievements of the Legal Aid Cells	99
8.	Fig. 4.4 Delhi: Breakup of Para legal Services	100
9.	Fig. 4.5 Delhi: Year of affiliation of Law School with DSLSA	101
10.	Fig. 4.6 Delhi: Percentage of affiliation of Law School with DSLSA and other organisations.	102
11.	Fig. 4.7 Delhi: Total Visitors of Legal Aid Cells in Law Schools	103
12.	Fig. 4.8 Delhi: Law Reform Activity.	104
13.	Fig. 4.9 Delhi: Major Challenges faced by Law School.	105
14.	Fig. 4.10 Punjab: Responses of Legal Aid Cells	114
15.	Fig. 4.11 Punjab: Infrastructure and the characteristics of Legal Aid Cells	114
16.	Fig. 4.12 Punjab: Achievements of Legal Aid Cells	116
17.	Fig. 4.13 Punjab: Breakup of para legal services	118
18.	Fig. 4.14 Punjab: Year of affiliation of Law School with State Legal Service Authority	119
19.	Fig. 4.15 Punjab: Percentage of affiliation of Law Schools with State Legal Service Authority and other organizations	120

20.	Fig. 4.16 Punjab: Percentage of affiliation of Law Schools with State Legal Service Authority and other organizations	121
21.	Fig. 4.17 Punjab: Law reform activity	122
22.	Fig. 4.18 Punjab: Type of alternative resolution provided	122
23.	Fig. 4.19 UTTAR PRADESH: Achievements of Legal Aid Cell	132
24.	Fig. 4.20 UTTAR PRADESH: Main para legal services	133
25.	Fig. 4.21 UTTAR PRADESH: Affiliation with SLSA and other organisations	134
26.	Fig. 4.22 UTTAR PRADESH: Year of Affiliation with SLSA	135
27.	Fig. 4.23 UTTAR PRADESH: Number of visitors in Legal Aid Cell in law school of UTTAR PRADESH	136
28.	Fig. 4.24 UTTAR PRADESH: Kind of alternative resolution provided	137
29.	Fig. 4.25 Himachal Pradesh: Responses of Legal Aid Cells	144
30.	Fig. 4.26 Himachal Pradesh: Achievements of Legal Aid Cells	144
31.	Fig. 4.27 Himachal Pradesh: Para legal services provided	145
32.	Fig. 4.28 Himachal Pradesh: Affiliation with SLSA	146
33.	Fig. 4.29 Himachal Pradesh: Tie-up with Legal Service Authority	146
34.	Fig. 4.30 Himachal Pradesh: Number of visitors in Legal Aid Cells in Himachal Pradesh	147
35.	Fig. 5.1.1 Continuity of association	156
36.	Fig. 5.1.2 Numbers of hours in a week	157
37.	Fig. 5.1.3 Delhi Gender/time analysis	158
38.	Fig. 5.1.3 Punjab Gender/time analysis	159
39.	Fig. 5.1.3 Uttar Pradesh Gender/time analysis	159
40.	Fig. 5.1.3 Himachal Pradesh Gender/time analysis	160
41.	Fig. 5.1.4 Catering to genuine needs	161
42.	Fig. 5.2.1 Maintenance of Record	162

43.	Fig. 5.2.2 Involvement in ADR	162
44.	Fig. 5.2.2a Kind of ADR activities	163
45.	Fig. 5.2.3 Involvement of legal aid lawyers in law reform activity	164
46.	Fig. 5.2.4 Involvement of legal aid lawyers in providing legal aid for Public Interest Litigations	165
47.	Fig. 5.2.5 Main paralegal activities	166
48.	Fig. 5.4.1 Use of digital communication by Legal Aid lawyers to communicate with target groups	173
49.	Fig. 5.4.2 Effect of digitisation on efficiency	174
50.	Fig. 5.6.1 Digitisation is a solution to increase efficiency of legal aid clinic	184
51.	Fig. 6.1.1 Awareness amongst litigants regarding Legal Service Authority Act	191
52.	Fig. 6.1.2 Awareness amongst litigants regarding the eligibility criteria for free Legal Aid	192
53.	Fig. 6.1.3 Awareness amongst litigants regarding the provisions of Article 39A and Article 21 of the Constitution	194
54.	Fig. 6.1.4 Attendance in legal awareness or literacy camps	195
55.	Fig. 6.1.5 Source of awareness amongst litigants regarding Legal Aid Services	196
56.	Fig. 6.2.1 Role of literacy/awareness camps in increasing awareness about legal rights of citizen	198
57.	Fig. 6.2.2 Effectiveness of free legal aid for reasonable, fair, and just procedure of law	199
58.	Fig. 6.2.3 Effective Infrastructure in Legal Aid Cells	200
59.	Fig. 6.2.4 Effectiveness of Lawyers to address genuine needs of litigants	201
60.	Fig. 6.2.5 Effectiveness of Lok Adalat System in providing speedy justice	202

61.	Fig. 6.2.6 Effectiveness of the Legal Aid Cells	203
62.	Fig. 6.3.1 Challenges faced in obtaining Legal Aid	204
63.	Fig. 6.3.2 Challenges in getting experienced lawyers to handle Legal Aid matters	205
64.	Fig. 6.3.3 Challenges in receiving Legal Aid for Public Interest Litigation	206
65.	Fig. 6.3.4 Use of Digital Communication with lawyers	207
66.	Fig. 6.3.5 Challenges in availing justice due to economic status	208
67.	Fig. 6.3.6 Major bottlenecks in Legal Aid System	210
68.	Fig. 6.4.1 Digitisation as a solution to improve efficiency	211
69.	Fig. 6.4.2 Digitisation as a solution to improve cost effectiveness	212
70.	Fig. 6.4.3 Digitisation as a solution to improve communication with authorities to achieve speedy justice	213
71.	Fig. 6.4.4 Creating a Pan India Project of linking authorities and Legal Aid Cells to increase effectiveness	214
72.	Fig. 6.4.5 Coordinated Legal Aid Programme as Solution	215

EXECUTIVE SUMMARY

The underlying philosophy of the Indian Constitution strongly emphasizes upon the establishment and the prevalence of Rule of Law with access to justice to all as one of its important postulates. Despite the same being in the basic structure of the Constitution, this Constitutional guarantee is still a luxury, on reality plane, for many facing problems on account of poverty, economic deprivation, illiteracy and want of legal awareness. Every day, many people face problems where they need the legal assistance and support from the legal professionals but are unable to get the same effectively. Law schools being the recruiting ground of legal professionals are required not only to infuse legal education but also to inculcate the spirit of legal aid into the young law students thereby making them sensitized towards their societal obligation.

Article 39A of the Constitution of India enjoins the State to ensure that the operation of the legal system must promote justice by making available free legal aid and ensure that the opportunities of securing justice are not denied to any citizen by reason of economic and other disabilities. By enactment of Legal Service Authority Act, 1987 and establishing a vast paraphernalia of institutional mechanisms relating thereto, the State has made efforts in making justice accessible to the poor, downtrodden and the disadvantaged.

In this backdrop, the project titled as "Analysis of Functioning of Legal Aid Cells in Various Law Schools/Universities/Departments/Private Universities" was undertaken by USLLS, GGSIPU, Delhi in four states: Delhi, Punjab, Uttar Pradesh and Himachal Pradesh. The study was intended:

- to assess the role of law schools in providing the legal aid services through legal aid cells;
- to explore the drawbacks in the system that hampers an effective delivery of legal aid to the needy and deprived;
- to look into the impact of digitalisation on the framework mechanism; and

- to look into the feasibility of a mandatory certification process relating to legal aid for law schools by regulatory authority that can help in better access to justice.

Various questions in the questionnaire, the answers of which aiding the analysis of legal aid cells working included whether it exists, is it within the premises of law school or outside, the kind of activities undertaken in rendering legal assistance and promoting legal awareness among masses, the frequency of such activities, the quality of the services rendered, student participation in such activities and the frequency of interaction with the community outside the law school.

The major findings after the detailed analysis of the data collected for the purpose of the study, *inter alia*, are as follows:

- Few stakeholders are aware of the existence of the legal aid cell in the law schools and its purpose.
- The legal aid cells being situated within the premises of the law schools having restricted entry are less approachable to the needy member of the community.
- Non-awareness as to the existence of a fully working legal aid cell within a law school owing to no visible signboard and no advertisement as to same is another problematic area which needs to be taken care of.
- Lack of manpower, financial limitation and poor infrastructure are other crucial fields significantly hampering the efficient working of legal aid cells in law schools.
- Lack of workload adjustment and want of any academic credit system for the involvement of faculty/students in the legal aid cells is pressing reason for disinterest in the legal aid cells.

The paramount recommendations made on the basis of findings deduced from the minute evaluation of the collected data are:

- There is a dire need to create awareness among masses as to the availability of a working legal aid cell in a law school by advertisement in newspapers, through pamphlets or by organizing awareness camps in the nearby localities.
- The faculty participation in the legal aid cell must be made mandatory with allotment of workload credits or some other incentives of similar sort.
- Mandatory participation by the students of specific years (2nd and 3rd years) is highly suggested. The same must be made a part of curriculum of legal education.
- Instead of having a single general cell which will handle myriad legal issues, different specialised cells having regard to the demand and requirements of the given locality, for example, child and women cell, cell on domestic violence, labour law cell, VAT cell, cyber law cell etc. are strongly advocated.
- Efforts to digitalize legal aid cells must be undertaken immediately by conducting training programs for stakeholders and creating the necessary software through a centralized system.
- Strong recommendation is made in respect of a Pan India Project of linking legal authorities and legal aid cells and creation of a coordinated legal aid program for effective and efficient working of the same by undertaking efforts for creating the necessary software to do the needful.

The findings and recommendations from the Project Report can assist legislators, policymakers and other national and international stakeholders working in the area of access to legal aid by identifying and removing the impediments hampering the efficient provision of legal assistance to the poor, downtrodden and the disadvantaged. The recommendations made herein shall certainly strengthen the provision of legal aid services as an important means to empower people to seek justice for themselves by protecting their rights and thereby furthering the Constitutional spirit of 'Rule of Law'.

PART-I

INTRODUCTION

1. INTRODUCTION

1.1 Background of Research

John Rawls said "first principle of justice is that each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberties for all"¹. Law gives birth to the doctrine of equality and thereby justice is secured. If any legal system has to ensure equality among the citizens then it is necessary that every citizen is in a position to get his/her rights enforced. If this is not achieved then no matter how well written the laws of a country are they will be discriminatory in nature. Therefore, the concept of legal aid emerged in order to protect the rights of the people who are deprived, disadvantaged and underprivileged.

The origin of legal aid can be traced to the lawyer's movement in Europe in late 19th century to provide pro bono help for the needy.² In India, the origin of legal aid can be traced in the mass struggle movement for freedom in modern India when Mahatma Gandhi urged the lawyers to represent the Indians pro bono in courts; as they faced major discrimination and problems due to lack of legal knowledge. Since then, various lawyers and jurists have been advocating the concept of legal aid in India. Justice P.N. Bhagwati and Justice V.R. Krishna Iyer deserve a special mention as being two of the major proponents of legal aid in India.

In the year 1976, 42nd amendment Act was introduced which brought Article 39A under the Directive Principles of State Policy. Article 39A under the Indian Constitution provides for the concept of legal aid in India. In 1987, Legal Services Authority Act was introduced which gives the structure and functions of the legal aid functionaries. Although the concept of free legal aid is a laid

¹ John Rawls, *A Theory of Justice* (Universal Law Publishing Co. Pvt. Ltd., Delhi, 2000).

² Sir Henry Brooke "The History of Legal Aid 1945-2010" *available at:* <https://www.fabians.org.uk/wp-content/uploads/2017/09/Bach-Commission-Appendix-6-F-1.pdf> (Last visited on December 20, 2018).

down principle, the reality is quite different. It is very crucial to review a policy after a uniform tenure to make it fitting for the altered circumstances and wants. For this, research in the area of policy making becomes an essential and a vital step.

Therefore, University School of Law and Legal Studies (USLLS), Guru Gobind Singh Indraprastha University (herein after referred as implementing agency) undertook an action-based research on "Analysis of functioning of Legal Aid Cells in various law schools/ university departments/ private universities." (herein after referred as "Research Project") under the 'Scheme for Action Research and Studies on Judicial Reforms' of the Department of Justice, Ministry of Law and Justice, Government of India [herein after referred as "Department of Justice" (DoJ)].

The research study analysed the functioning of the legal aid cells by looking into the impact of digitization on the framework and probing into the feasibility of a mandatory certification process of law schools.

The Research Project aimed at finding out the ground realities and limitations of these legal aid clinics by visiting a few selected States³ and whether these clinics are actually successful in imparting justice to those who fit the eligibility criteria for receiving free legal aid services.

In this study, the methodology (the steps taken as to how to go about the research) of the project undertaken, the findings (as to the analysis of the answers to the questionnaires), the ground realities and analysis are deliberated in detail.

1.2 Research Objectives

The research project was undertaken to find out the status of legal aid in the States of Delhi, Uttar Pradesh, Punjab and Himachal Pradesh and their

³ Delhi, Uttar Pradesh, Punjab, Himachal Pradesh.

respective law schools (selected) with an objective to find out the ways to improve it. With the detailed study of the mechanisms used in the legal aid clinics, the research aimed to find out the ground realities, the existing bottlenecks in the system and to suggest an efficacious framework for their development.

The role of the advocates, the High Courts of the concerned States and the educational institutions in imparting justice through free legal aid services were probed as a part of this research project. The study also explored the possibilities of introducing a mandatory certification process for law schools and how digitisation can play an imperative role in increasing their effectiveness.

The primary objectives of the Research Project in a concise manner are set out below:

1. To analyse the functioning of Legal Aid Cells with respect to framework of improvement of access to justice: Whether the formation of these cells have resulted in any visible and concrete changes as to the access of justice to those eligible and in need for it; and whether the present framework is efficacious enough to make its way forward in the whole of the country.
2. To look into the impact of digitisation on this framework mechanism: Whether digitisation is a contributing factor in bringing out improvement in bridging the gap between the justice accessibility and the downtrodden by helping the sufferers economically.
3. To look into the feasibility of a mandatory certification process for law schools by regulatory authority that can aid in better access to justice: Whether the mandatory certification process in the law schools by the regulatory authority of legal aid will be helpful in reaching its optimum efficiency by imparting the access to justice in an efficient manner.

Upon the success of achieving the above objectives, it was found that the mechanism of the legal aid cells in all the States concerned can become more effective once the awareness programmes regarding the existence of this

system are increased to a wider number of people who are eligible for receiving these services along with satisfying the monetary needs of these clinics. It was also visualized that although the advocates associated with the legal aid primarily supported the inclusion of digital modes of communication with their clients, the litigating parties on the other hand, who were mostly illiterate in terms of technology, did not have an idea as to whether digitisation will actually prove to be beneficial for them or not. An attempt was also made in finding to submit the Standard of Procedure (SoP) so that the law schools, their students, lawyers as well as the litigating parties could comprise a larger area of research study to diversify the project responses.

1.3 Research Methodology

The methodology of this Research Project is partly doctrinal and partly empirical. The doctrinal research was carried out by studying various reports by the State Legal Services Authority (SLSA), National Legal Services Authority (NALSA), various Non- Governmental Organisations (NGOs) and different Law Schools who have published their annual reports on the functioning of their legal aid cells.

The empirical research, on the other hand, involved visits to various law schools, and the functional legal aid cells in the 4 States selected, along with the interaction with various advocates associated with the panel of legal aid by visiting them in the Legal Aid Office in the respective district courts. The litigating parties who are presently seeking or had in the past, availed the free legal aid services for any purpose, were also questioned for the successful completion of this research project.

Based on empirical data collected, a comparative analysis of functioning of legal aid clinics in various law schools (National Law Schools, Central, State and private universities), situated in four North Indian States and having

functional legal aid cells was made. The four States covered under this Research Project were:

1. Delhi
2. Uttar Pradesh
3. Punjab
4. Himachal Pradesh

The intention was to represent the whole of North India, keeping in mind the feasibility of the region. As Jammu and Kashmir was not feasible, Himachal Pradesh was chosen to represent a hilly area. Delhi, the capital city of the nation is a legal hub and thus, represents the heart of the country, which makes it the perfect city for the present research. As Uttar Pradesh is the largest State of India in terms of population, and had also been the parent State of Uttarakhand, it was chosen for the study. Finally, Punjab being one of the prosperous states was considered apt for this project. Moreover, since all the three States i.e. Punjab, Himachal Pradesh and Uttar Pradesh are the closest to the capital city Delhi, it made it ideal to shortlist them for this Research Study.

For the carrying out of this research, various activities were undertaken by the implementing agency, which are herein divided into various stages:

Stage 1:

Constitution of the Project Implementation Committee and approval by the competent authority GGSIPU.

Stage 2:

Identification of law schools was carried out in the four States by consulting various experts and the Project Implementation Committee and the law schools were thereof identified in all the four States with the help of Stratified random sampling technique. Thereafter, the sample size for conducting interviews was prepared and the list of schools was finalized with Forty (40) law schools shortlisted as a result.

The shortlisted law schools for the purpose of data collection are as follows:

Delhi NCR:

- Jamia Millia Islamia
- University of Delhi
- Amity University
- Gautam Buddha University
- Guru Gobind Singh Indraprastha University
- National Law University, Delhi
- Galgotia University

Punjab:

- Central University of Punjab
- NLU, Patiala
- Guru Nanak Dev University
- Khalsa University, Amritsar
- Guru Kashi University, Bhatinda
- Lovely Professional University, Kapurthala
- Chandigarh University, Mohali
- Desh Bhagat University, Mohali
- RIMT University, Mohali

Uttar Pradesh

- AMU, Aligarh
- BHU, Varanasi
- University of Allahabad
- Baba Bhim Rao Ambedkar University, Lucknow
- NLU, Lucknow
- Chaudhary Charan Singh University, Meerut
- MJP Rohilkhand University, Bareilly
- Lucknow University
- Bundelkhand University, Jhansi
- Deen Dayal Upadhyay University, Gorakhpur
- Mahatma Gandhi Kashi Vidyapeeth

- Shobhit University, Saharanpur
- IIMT University, Meerut
- Shri Venkateshwara University, Amroha
- Teerthankar Mahavir University, Moradabad
- Mohammad Ali Johar University, Rampur
- Monad University, Hapur
- Invertis University, Bareilly
- Amity University, Gautam Buddh Nagar
- Galgotia University, Gautam Buddh Nagar
- Mangalayatan University, Aligarh
- JS University, Firozabad
- Babu Banarasi Das University, Lucknow
- Integral University, Lucknow

Himachal Pradesh

- NLU, Shimla
- Himachal Pradesh University
- Career Point University, Hamirpur
- Abhilashi University, Mandi
- Manav Bharti University, Solan
- Maharaja Agrasen University, Solan
- Maharishi Markandeshwar University, Solan

Stage 3:

Questionnaire was prepared to collect data from selected Law Schools situated in Delhi NCR, Himachal Pradesh, Punjab and Uttar Pradesh.

Stage 4:

Second set of questionnaire was prepared and data was collected for seeking responses of the lawyers and litigating parties from the states of Delhi, Himachal Pradesh, Punjab and Uttar Pradesh.

Stage 5:

Thereafter, the primary data required for the research project was collected including the data from the law colleges situated in Delhi NCR, Punjab, Himachal Pradesh and Uttar Pradesh which included the questionnaire responses of the advocates and the litigating parties involved with the legal aid.

Stage 6:

The University School of Law and Legal Studies (USLLS) on 23 November, 2018 organised a symposium with the theme- "Right to Legal Aid: Inclusivity Re-defined". The aim of the symposium was to deliberate on the difference of functioning, operation and the quality of delivery of services rendered by the various legal aid cells of the National Law Universities and the law schools of other universities. For the said endeavour eight eminent speakers were called to deliberate on the subject matter coupled with the experiences and expertise in their respective areas touching upon the various dimensions of the legal aid.

The very purpose of the law school fails if it is ignorant of the societal obligations to be fulfilled by it. The legal aid should be part of legal educational institution not simply because it has to provide the same in order to fulfil Bar Council of India (BCI) guidelines but to let students understand their societal obligations of lending legal assistance to the needy people in order to help them securing justice. Citizens' ownership of law and its system is a pre-condition for law to deliver effectively on its promises. Any exploration to locate legal aid without this requirement may not help one in finding it.

Deliberations took place on a Standard Operating Procedure (SoP) and digitization policy for the law schools along with areas of critical concerns with regard to legal aid, including but not limited to the following: developing a cogent strategy to reach far outlying regions like a hill state, coastal area, etc. Planning and setting up of outreach centres. Degree/credit requirement as a measure to promote legal aid as part of the curriculum. Remedying the

disconnect between law schools and Bar Council of India. Bridge the gap between legal aid and community access to it through digitization. Input of teachers for promoting legal aid and any other issues connected with the broad theme of the symposium. Some of the suggestions which came out as a result of the discussion are: The law schools, wherever needed, can open off campus clinic which will be more accessible to public. Off campus clinics will be more user-friendly. All the requisite information must be made available categorically in easy and different languages for the convenience and easy access of the needy. Legal aid mobile app can be created which will have linkage with other apps and facilities like video conferencing should be made available in the Legal Aid Clinics.

There must be a provision for academic credit system for both students and teachers for legal aid work in order to motivate them. Legal Services Authorities have to supervise the establishment and functioning of legal services clinics in universities, law colleges and other institutions engaged in the work of promoting the cause of legal services to the poor. Head of the Law School should lay down minimum standards and common guidelines for identifying interested students and training them so that they get fully involved with the ground realities and meeting people, hearing out their problems. Teaching students, by law teachers, the art of client counselling which will help them in greater understanding and helping the people who visit the legal aid clinics. The Ministry of Law and Justice can give training/internship to students to familiarise with practical aspects of law and its implementation which will in turn enable the students to provide better legal services to the community.

Stage 7:

Finally, the analysis of the data collected was carried out along with stakeholders' conference and report writing.

1.4 Scope of the Research

The focus of this research project was on the functioning of various legal aid mechanisms in the selected North-Indian States of Delhi, Uttar Pradesh, Himachal Pradesh and Punjab. It encompasses the various law schools shortlisted for the purpose of the research, the advocates associated with the panel of legal aid and the litigating parties who availed the services of free legal aid which brought forward the various concerns which has become a hindrance in the way of the efficient working of the legal aid cells.

It is to be noted that only formal means of legal aid mechanisms were researched into, while the informal means like the legal aid mechanisms based on the village Panchayats were not the subject of this research.

Also, although the Alternative Dispute Resolution (ADR) mechanisms was a part of the study, but it was only limited to find out the proportion it contributes toward the providence of legal aid by the advocates by taking the details of the total number of Negotiation and Mediation Cases they were associated with in the Legal Aid Clinics that they have been involved with in the recent past.

The impact of this research is going to be on the whole of the country, though the representative States are from Northern India.

And although United Nations Development Programme (UNDP) and National Law University (NLU), Delhi have submitted research in the area of Legal Aid in 2011 and 2012-2014 respectively, but the present research by USLLS has significance in terms of the changed circumstances during the time period the former studies were published until now.

Therefore, the purpose of the project was to study the concerns of the present legal aid mechanisms and its functioning in the four selected States by way of the responses achieved from the stakeholders.

1.5 Scheme of Report

The Research Project is divided into the following eleven parts:

Part I, the introduction, provides the background of the research in detail. It outlines the objectives of this study in terms of analysing the functioning of Legal Aid Cells with respect to framework of improvement of access to justice, to look into the feasibility of a mandatory certification process for law schools by regulatory authority that can help in better access to justice and to look into the impact of digitisation on this framework mechanism. It also gives the research methodology in terms of selecting the areas from where the data was to be collected and the technique used to analyse the data hence collected. It also elaborately explains the scope of the research, the significance and the limitations of the study conducted.

Part II of the study discusses in detail the concept and significance of the legal aid emphasising on its justice imparting mechanism to the economically weak and the socially downtrodden people. It also gives a brief explanation about the international and national legal framework of legal aid for comparative purposes, followed by its judicial expansion. The part concludes with analysing the role of the educational institutions in providing legal aid and finally describing the impediments of legal aid.

Part III of the study is all about probing into the role of digitisation in legal aid. This section of the research goes onto study the relevance of the use of digital communication in bridging the gap between the stakeholders and finally describes the structure of digitisation in the present legal aid mechanism. Part IV of the study analyses the perspective of the law schools as stake holders of legal aid.

Part V of the study analyses the perspective of the lawyers as stake holders of legal aid.

Part VI of the study analyses the perspective of the litigating parties as stake holders of legal aid.

Part VII of the study is primarily based on the field study conducted under the research project. It outlines the ground realities of legal aid in the States of Delhi, Punjab, Uttar Pradesh and Himachal Pradesh respectively. This part individually focuses on the structure of legal aid in all the four States separately.

Part VIII of the study analyses the best practices of the field. It deliberates on the three "R" recruitment, retention and recognition, which are essential elements of a successful pro bono program, for without volunteers, a program cannot exist. Recruiting competent and enthusiastic volunteers who provide high quality services is a crucial step. Engage the specialised teachers and program staff in developing a long-range Recruitment Plan that includes multiple techniques and processes for recruiting new student volunteers, has realistic goals and sets meaningful priorities. Identify the specific client needs, the program should seek to meet the specialised volunteer attorneys necessary to meet those needs. A strategic plan must be developed by each Legal Service Organisation (LSO) if it wants its work to have maximum impact. LSO's must have an ongoing dialogue with the communities they serve in order to set these priorities for the work they do. Any systemic reform work undertaken by the LSO must arise out of the actual needs of the people and must be structured so it can be implemented on the ground. LSO's must have systems for training, supervising and evaluating staff and volunteers to ensure continued high standards. LSO's must devise systems for assessing the impact of their work. Strategies for financial sustainability must also be devised. LSO's should also seek financial support from a variety of sources to try and maintain a level of independence from government. Creating a telephone based legal assistance

setup which provides a single portal through which applicants can easily access all services offered by the program. Legal service authority should be more robust. Inclusion of young lawyers who are unemployed or underemployed, pro bono work provides an opportunity to develop essential lawyering skills and learn substantive areas of law. Provide client sensitivity training for program staff to address common communication challenges that arise when working with low-income clients. Communicate with non-English speaking clients through bilingual staff or trained volunteer interpreters in a language spoken and understood by the client in all interviews and communications with the client. Develop methods for overcoming the obstacles to communicating with clients living with disabilities such as hearing, speech or vision loss or impaired cognitive ability, as well as those with physical disabilities. Establish a confidentiality policy that outlines the procedures that program staff must follow to prevent an unauthorized disclosure of confidential client information.

Part IX of the study deals with digitisation policy. It is further divided into two sections: a) link between Bar Council of India and the Law School and b) link between the Law School and the Community.

PART-X deals with the discussion on the symposium organised by University School of Law and Legal Studies on the topic "Right to Legal Aid: Inclusivity redefined". Eminent speakers from various law schools discussed various successful model of legal aid cells. A Standard Operating Procedure that could be established was discussed and deliberated upon. After this discussion Project Implementation Committee worked on drafting a Standard Operating Procedure, which is attached herein as annexure.

Part XI of the study sums up the report by discussing the major findings of the study, thereafter outlining the conclusion of the research by way of analysing the findings of all the four States shortlisted for the project with the suggestions for improvement in their situation. Hence, it tries to find a better

way forward for the legal aid mechanism in the whole of India and concludes by discussing any further scope of research undertaken.

Part XII contains the Bibliography

Part XIII of the Research project contains the following annexures:

- 1) Annexure-I Questionnaire for Stakeholders- law schools
- 2) Annexure-II Questionnaire for Stakeholders- lawyers
- 3) Annexure-III Questionnaire for Stakeholders- litigants

1.6 Significance of the Study

This study aimed to bridge the research gap in the legal aid mechanism by bringing forth the limitations of the present system in the selected States of Delhi, Punjab, Uttar Pradesh and Himachal Pradesh. The present study empirically evaluated the performance of the functional legal aid cells in the shortlisted law schools of the concerned North Indian States. This study analysed the qualitative data on performance of these cells and their efficiency obtained through the responses of the questionnaires filled by the advocates and litigating parties associated with the legal aid. This study is significant in establishing the impact of the legal aid services on the economically weak and socially backward people of the society. The scale developed for measuring the efficiency of the present legal aid system through this study can play a pivotal role in taking it further by the way of improving its intended impact on the society and can help to achieve its objectives. This study highlights the bottlenecks of the present system of legal aid in the shortlisted States by the method of individual scrutiny and then comparative analysis which significantly contributes towards the removal of these hindrances in the system to reach its optimum efficiency. The Research Project, by fulfilling one of its main objectives of studying the impact of digitisation on the present functional framework of imparting justice by the way of free legal aid services to those eligible for it, significantly helps to find out the possibility of improvement in the communication between the stakeholders by way of spreading digital literacy. In this age of technology digital literacy holds great importance and thus

analysing the impact of digitisation on the current framework of legal aid constituted a major component of the project. Finally, it contributes by way of putting forward the possible suggestions for the way forward for the legal aid system to the whole of the country by putting forth possible solutions to eradicate the all possible obstacles by the way of spreading legal awareness.

1.7 Limitations of the Study

By setting out certain key objectives, the research attempted to study and analyse the current legal aid mechanism. However as no study is without limitations, this study too is not devoid of the same. The same are highlighted in the following part. For advancements in the field of legal aid, these limitations can be addressed by the future researchers.

1. First and foremost, this study is only limited to the North Indian States of Delhi NCR, Punjab, Himachal Pradesh and Uttar Pradesh which cannot be relied upon to analyse and understand the situation of legal aid in the whole of India.
2. Secondly, the research is limited in terms of studying the functioning of the legal aid mechanism in only the formal sources of legal aid cells, that is, the law schools, university departments and private universities, which primarily focus in the urban areas. Thus, the present study does not probe into the legal aid functioning of the centres situated in the rural villages by way of the Panchayats.
3. The Research project mainly focuses on fulfilment of three pre-determined objectives, that are, analysing the functioning framework of legal aid in order to find out its impediment, to look into the impact of digitisation in the framework, and to look into the feasibility of a mandatory certification process for law schools by regulatory authority that can help in better access to justice for the target group. In this process, it may have left out other important areas that may have been significant to this study.
4. The questionnaires prepared had their own limitations, both for the lawyers and the litigating parties. Many lawyers were unwilling to fill up the

responses due to the detailed size of the questionnaires. Most of the litigating parties were illiterate or could not understand the English language and it became a huge barrier for them to fill it up themselves.

5. The accessibility of some States like Jammu and Kashmir was another hindrance in terms of representation of the whole of the North India which did which was a major limitation of the research project in terms of obtaining data.

PART-II

LEGAL AID: AN OVERVIEW

2. LEGAL AID: AN OVERVIEW

2.1 Concept and Significance

Dr. D.D. Basu said "Guaranteeing of certain rights to each individual would be meaningless unless all inequality is banished from social structure and each individual is assured of equality of status and opportunity for the development of the best in him and the means for the enforcement of the rights guaranteed to him".⁴ The same rights are available to all, but it is the inherent inequality in the society which makes it necessary for them to be protected. This ideal of impartiality is embedded in the statue of Lady Justice whose blindfold implies that justice should be applied without regard to wealth, power or any other status and this is what law seeks to do through legal aid. As Charles Montesquieu once remarked, "...in the state of nature...all men are born equal, but they cannot continue in this equality. Society makes them lose it, and they recover it only by the protection of the law".⁵

Legal aid refers to the free legal assistance that is provided to the weaker, deprived and poor sections of the society with the purpose to enable them to exercise the rights that are provided to them by law. It is a form of welfare provision by the State to ensure that any opportunity to seek the justice is not denied to any person in the society because of his social, educational or economic status. It is the method adopted to ensure that the state makes professional legal advice available to every person. Its underlying principles are equality before law, right to a fair trial and right to counsel.

In the beginning, the focus was on collective enforcement of social, economic and cultural rights of the society, and not on individual legal action.

⁴ D.D. Basu, *Introduction to the Constitution* 25 (Wadhwa and Co., New Delhi, 18th edn., 1999).

⁵ Montesquieu, *Spirit of Laws* 132 (Batoche Books, Ontario, Canada, 2001) available at: <https://socialsciences.mcmaster.ca/econ/ugcm/3ll3/montesquieu/spiritoflaws.pdf> (Last visited on December 13, 2018).

Even when legal aid schemes were established for assisting those engaged in legal disputes, the initial focus was on family law and divorce.⁶

Over the years, legal aid has come a long way and its concept has evolved. It includes representation during legal proceedings, drafting of legal documents, providing advice to clients, obtaining certified copies of orders, payment of all court fees etc. It is available in both civil and criminal cases like those related to consumer rights, domestic rights, tax, intellectual property rights, divorce and custody cases etc. Not only is it the job of the lawyers to represent such litigants in courts, they are also obliged to encourage them for settlement of disputes through negotiation, mediation and arbitration.

Though introduced long ago, legal aid is a concept which is still very much relevant. Providing legal aid to the deprived, poor and weaker sections of the society is necessary for the safeguarding the rule of law which in turn ensures the existence of a orderly society.

With the motto of 'Access to Justice', it acts as a bridge between the elites and the not so privileged ones to afford equality of opportunity in reality, rather than only on paper. The phrase 'equal protection of laws'⁷, embedded in the Constitution of India also strikes down any financial roadblocks in the way to equal justice.⁸ Legal aid cells are the institutions which are primarily responsible for dispensing free legal services to such people in order to make sure that the road to justice is the smooth for everyone. But it is to be kept in mind that success in this venture can be achieved only if all the concerned stakeholders fulfil their respective duties.

⁶ Francis Regan, "The Transformation of Legal Aid: Comparative and Historical Studies" *OUP* 89-90 (1999).

⁷ The Constitution of India, Art. 14.

⁸ Equal Protection and Fundamental Rights, *Available at*: <http://law2.umkc.edu/faculty/projects/ftrials/conlaw/fundrights.html> (Last visited on December 15, 2018).

2.2 Role of State, Society, Lawyers and Law Schools in Legal Aid

Alexander Hamilton had rightly remarked that “....first duty of society is justice”. Here, society also includes the State. State is the entity which is obliged to act upon the words and promises of the fundamental law of the land. It is the one empowered to create a mechanism in order to achieve the desired goals. If the circumstances warrant some changes, it is expected to carry out the same. Being representatives of the people, a welfare state is responsible for ensuring the smooth functioning of legal aid systems and consequently, for seeing that each and every individual is able to enjoy as well as exercise his rights irrespective of any discrimination.

While State is involved in funding and formation of scheme, it is the task of the legal professionals to shoulder the responsibility of implementation of the schemes and the appropriate utilization of the funds. There is a reason that law is counted among one of the noblest professions of the world. And that is because of its ability to give back to the society. Legal aid work is a testimony of the lawyer's recognition of not only his professional obligation but also the duty he owes to the public at large. He is to make as much efforts for a rich client as for a poor client, because ‘humane considerations and constitutional requirements are not to be measured by dollar considerations or the thickness of a person’s clothing’.⁹

A welfare scheme is of no use till the people are themselves ignorant about it. This role of spreading awareness regarding legal aid is carried out by law schools, in addition to legal aid cells. These Legal Aid Cells (LACs) present in law schools serve a two-fold purpose. Not only do they provide free legal services to the underprivileged, they also enable law students to gain practical experience by doing field work and direct their zeal towards contributing their bit to the society.

⁹ Justice Blackmun in *Jackson v Bishop*, 404 F.2d 571, 580 (8th Cir. 1968).

Anything meant for the welfare of the people has the possibility of being misused. Same is the case with legal aid. People, who do not fall under the eligibility criterion, falsely pretend in order to avail free services, which dilute the value of both the institution and the thought behind it.

Thus, we see that for the legal aid to retain its significance, the combined efforts of all the contributors are necessary. Otherwise, it will be as good as a dead letter.

2.3 International Framework of Legal Aid

The origin of the concept of legal aid can be marked out in the historic Magna Carta, which declared that the right to justice is not something which can be sold, refused or delayed.¹⁰ This succinctly embodies the principle of legal aid. Referred to as 'equal justice in action' (P. N. Bhagwati, J.)¹¹, legal aid is what provides to the downtrodden and deprived sections of the society, an equal and fair opportunity to seek justice.

The tumultuous times of the World Wars brought into the limelight international concern over human rights. The repercussion of the World War-I resulted in a meeting of the experts of International Committee of Legal Aid where the discussion revolved around the issue 'Justice for the Poor'. Subsequently, in the year 1927, League of Nations carried out a survey regarding legal aid in various countries and submitted a report based on the same.¹² The efforts continued with the same momentum as post the Second World War, several governments established their own State legal aid schemes.

This shows how 'Access to Justice' is a problem which not only plagues the legal community of our nation, but is a concern at the international level as

¹⁰ Magna Carta, 1215, para 40, available at: <https://www.constitution.org/eng/magnacar.pdf> (Last visited on December 14, 2018).

¹¹ *Hussainara Khatoon & Ors. v Home Secretary, State of Bihar*, AIR 1979 SC 1369.

¹² Dr. S. S. Sharma, *Legal Services, Public Interest Litigations and Para Legal Services* 42 (Central Law Agency, 1st edn., 2003).

well. In order to ensure that socially and economically backward people are not left behind, there need to be certain postulates in place. This requirement is fulfilled by the following international instruments which are discussed below

Universal Declaration of Human Rights, 1948

Popularly known as UDHR, this document was adopted by general assembly in France on 10 December 1948. With the coming into existence of United Nations at the international level, its fundamental document 'The Universal Declaration of Human Rights 1948' was prepared with its prime focus on equality and justice. It reiterates the notion that equality and justice go hand in hand.

There can be no justice in the absence of equality. In a situation where a person's paucity of money disables him from enforcing his rights, legal aid comes to the rescue. This document has clauses of non-discrimination and fair trial, similar to those found in the Indian Constitution. Although it is not legally binding, it represents moral commitment and acts as a yardstick of international standards.

European Convention for Protection of Human Rights, 1950

Article 6 of this Convention states 'right to fair trial'. The article 6(3)(c) directly deals with the concept of legal aid as it provides a right to every individual who has been charged with any criminal offence, to defend himself through free legal assistance when he cannot afford the same. However, the free legal assistance refers to only the assistance of counsel that is free of cost and not the rest of the legal procedure.¹³

¹³ Bimal N Patel, *A Comprehensive guide of laws of Human Rights in Commonwealth Countries* 88 (Wadhwa, Nagpur 1st edn., 2007).

United Nations Conferences

I) First Congress in Geneva, Switzerland (1955)

This conference led to the adoption of 'Standard Minimum Rules for Treatment of Prisoners'. Under this, it was stated that even under trial prisoners can apply for legal aid and receive visits from their lawyers in order to prepare their defence.¹⁴

II) Second Congress in Stockholm, Sweden in 1965

While the discussion revolved around the prevention of crime, legal aid was discussed as one of the aspects. It was observed that lack of an adequate legal aid system is one of the reasons which increase the chances of recidivism. It was consequently opined that the legal aid should be made available and accessible to the arrested, accused as well as to the convicted people.¹⁵

International Covenant on Civil and Political Rights, 1966

The ICCPR, which was adopted in 1966 but came into force in 1976, provides every individual has the right to get effective remedy for any acts that violate his or her fundamental rights as granted by law and such remedy is to be provided by the national tribunals. By virtue of Article 14, certain minimum rights are guaranteed to all. Article 14.3(d) specifically provides for legal aid as it talks about assigning legal assistance at the state's expense to those who can't afford it or don't have any adequate means to pay for it.¹⁶

It may be pertinent to mention here that the Indian judiciary has, many a times, taken cognizance of these principles, while interpreting and giving effect to Part III of the Indian Constitution.

¹⁴ Resolution 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977, First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva 1955, and approved by the Economic and Social Council by its

¹⁵ Sujan Singh, Legal Aid Human Right to Equality 15 (Deep & Deep Publications, New Delhi, 1996).

¹⁶ Andrew S. Butler, "Legal Aid Before Human Rights Treaty Monitoring Bodies" 49 ICLQ 369, 92(2000).

Tehran Conference in 1968

This conference was the first one of its kind on human rights at international level which was attended by representatives of several States, bodies and agencies of United Nations Organization, intergovernmental and non-governmental organizations.¹⁷ It resulted in the adoption of a resolution according to which respective governments were supposed to carry out the following functions:

- a) Promote the development of a comprehensive legal aid system,
- b) Reduce burden on needy individuals by simplifying laws and procedures,
- c) Devise norms and standards for providing the required professional, financial and other kinds of legal assistance,
- d) Meet all the expenses in providing such assistance and
- e) Co-operate with each other in outspreading the availability of competent legal aid.

American Convention on Human Rights, 1969

While Article 24 of this Convention calls for equality before law and also talks about equal protection of law, one other article i.e. Article 8(2)(e) gives to every indigent person the inalienable right to be assisted by a counsel which is to be provided by the State.¹⁸

Convention on International Access to Justice, 1980

This basically envisages the rights of person to the access of legal aid in a country, irrespective of his nationality. It states that irrespective of the

¹⁷ S. N. Dhyani, *Law Morality and Justice* 119 (Metropolitan Book Co. New Delhi, 14 edn., 1984).

¹⁸ American Convention on Human Rights, Available at: http://www.hrcr.org/docs/American_Convention/oashr5.html (Last visited on November 4, 2018).

nationality of a person, the one who is a habitual resident of the contracting State is entitled to get legal assistance and legal aid for any of the civil and commercial proceedings in court/tribunals, as if he was the national of that State.¹⁹

African Charter on Rights and Welfare of the Child, 1990

Adopted in 1990, this charter is also known as the African Children's Charter. The Article 17(2)(c)(iii) of the charter specifies that the State has to provide legal assistance to every child who is an accused in a case, for his defence, when he cannot afford an advocate at his cost. It may be noted that this is a mandatory obligation and not charity.²⁰

Principles for Protection of Persons with Mental Illness and the Improvement of Mental Healthcare, 1991

The principle 18 entitles the patient to be represented by a lawyer chosen by him, which includes the representation in any complaint, appeal or procedure. In the absence of such assistance, a counsel is to be provided to the patient, without payment to the extent to which such patient lacks any means to pay.²¹

It can be traced that the essence of these conventions is providing legal aid to the poor, deprived and needy individuals. While the conventions can make us understand the theoretical part, i.e., what is meant to be, but its effectiveness can be determined only by understanding how it actually comes into use in practice.

¹⁹ The Hague Conventions, *Available at*: <http://www.legallanguage.com/hague/haguetx29e.html> (Last visited on November 4, 2018).

²⁰ *Supra* note 12 at 283.

²¹ *Available at*: www.un.org/documents/ga/res/46/a46r119.htm (Last visited on November 5, 2018).

2.4 Some Landmark International Case Laws

"Each era finds an improvement in law for the benefit of mankind."²² To understand the profound significance of these words, it is important to understand the history behind it, which is precisely a landmark case, *Gideon v Wainwright*,²³ in the history of the United States Supreme Court. In this case, the petitioner was an individual, who had neither any funds to afford legal procedure and nor any counsel, was charged with a non-capital offence. So, the petitioner requested the Court to appoint a counsel for him. However, the court denied the same to him, stating the reason that the law permitted a counsel's appointment for indigent defendants only in capital cases. Deciding on the issue, the Hon'ble U.S. Supreme Court unanimously held that the States were required to provide an attorney to the defendants not only in capital cases but also in criminal cases, if they are unable to afford their own attorneys (under the Sixth Amendment to the U.S. Constitution). The right to counsel is found under the Fifth and Sixth Amendments that imposes requirements on the federal government. So the right mentioned case extended the above found right to counsel, by imposing those requirements upon states as well. It was ruled that it is the fundamental right of an indigent defendant to have the assistance of a counsel in a criminal trial, which is an important aspect essential to fair trial, and that the trial or conviction of the petitioner in the absence of such assistance to be provided by the state, violated the Fourteenth Amendment to the Constitution.

The above decision had a major implication for the public defender system. As more and more public defenders were needed, training programs were started for them to make sure that the defendants receive as fair a trial as possible. In order to ensure effective legal aid, the National Legal Aid and Defender Association (NLADA) and the American Bar Association (ABA) have also set caseload levels, minimum training requirements and the experience

²² Quote from letter written by Gideon to his Attorney Abe Fortas.

²³ *Gideon v Wainwright*, 372 U.S. 335 (1963).

requirements for defenders.²⁴ Such was the impact of legal aid that it enabled the petitioner to receive a fresh trial which ultimately led to his acquittal.

Not only did this case overrule *Betts v Brady*²⁵ which had held that legal assistance at state's expense is to be provided under exceptional circumstances only, it also served as a precedent for the cases to come in future, for instance, *Massiah v United States*²⁶ and *Miranda v Arizona*,²⁷ where the rule was extended to apply not only during court proceedings but also even during police investigation.

Dietrich v The Queen,²⁸ - In this case, the High Court of Australia dealt with the question of the circumstances under which the legal aid should be provided to the indigent defendants by the state. It was decided that although there was no such absolute right at common law that provides for publicly-provided legal representation in all cases, but in some cases the representation is appropriate to ensure a fair trial. Also, since the appointment of a counsel for an accused was a function which is largely taken over by the legal aid agencies and the judges no longer had the power to appoint a counsel because of the same; they should exercise their power to grant any request for stay and adjournment till the accused has representation as this would be in the interest of fairness.

*Airey v Ireland*²⁹ is a case illustrative of those times, when legal aid was not available for any civil matters in Ireland. Herein, the European Court of Human Rights stated the importance of the right of access to a court, having regard to the significant place held by the right to fair trial in a democratic society. It was felt that there might be certain circumstances where in absence

²⁴ Laura Abel "2006 Edward v Sparer Symposium: Civil Gideon: Creating a Constitutional Right to Counsel in the Civil Context: A Right to Counsel in Civil Cases: Lessons from Gideon v Wainwright" *Temp. Pol. & Civ. Rts. L. Rev.* 15 (2006).

²⁵ *Betts v Brady*, 316 U.S. 455 (1942).

²⁶ *Massiah v United States*, 377 U.S. 201 (1964).

²⁷ *Miranda v Arizona*, 384 U.S. 436 (1966).

²⁸ *Dietrich v The Queen*, HCA 57 (1992).

²⁹ *Airey v Ireland*, 2 EHRR 305 (1979).

of any assistance provided by a legally qualified representative, a person might not be able to present his case effectively and satisfactorily, leading to a breach of the Article 630 of ECHR. It was concluded the convention may also even compel the State to sometimes provide for a legal counsel's assistance when such assistance proves to be crucial either because of the complexity of procedure or by the reason that legal representation is rendered compulsory.

In *McDonald's Corporation v Steel & Morris*,³¹ popularly known as McLibel case, the two defendants were denied legal aid even though they had very limited income because that was the policy for libel cases. Representing themselves, their lack of funds also prevented them from calling witnesses who could have strengthened their case. After the refusal of the House of Lords, the defendants filed an appeal to the European Court of Human Rights, challenging the UK government policy of non-availability of legal aid in libel cases.

The Court ruled that there had been breach of Article 6 and Article 1032 of the ECHR. It was of the opinion that the defendants had been deprived of the opportunity to present their case properly in front of the court due to the denial of free legal aid to them, leading to a comparative lack of resources and culminating in a biased trial.

2.5 National Legal Framework Of Legal Aid: Constitutional And Statutory

*"The poor and the illiterate should be able to approach the Courts and their ignorance and poverty should not be an impediment in the way of their obtaining Justice from the Courts."*P. N. Bhagwati, J.³³

³⁰European Convention of Human Rights (signed November 4, 2018, entered into force September 3, 2018) (ECHR) Art. 6.

³¹*McDonald's Corporation v Steel & Morris*, [1997] EWHC QB 366.

³²European Convention of Human Rights (signed November 4, 2018, entered into force September 3, 2018) (ECHR) Art. 10.

³³The Chairman, Mr. P. N. Bhagwati, speaking through the Legal Aid Committee formed in 1971 by the State of Gujarat on Legal Aid, answering to the question of inequality in the administration of justice between the rich and the poor.

With this very thought in their minds and intention in their hearts, our lawmakers introduced the concept of legal aid in our Constitution as well as through the statutes. Both constitutional and statutory framework provides a strong foothold for legal aid in India which makes it possible to bring the poor and the weak at par with others.

Constitutional Provisions

The Constitution of India is based upon the rule of law and the rule of natural justice. This is evident through the words of the Preamble which talks about securing social, economic and political justice to all its citizens.³⁴ In order to achieve this objective, Article 39A was inserted through the Constitution (42nd Amendment) Act, 1976. It promotes the idea of equal justice. For this purpose, it specifically says that the State is under an obligation to provide for free legal aid by introducing appropriate schemes so as to ensure that no one is denied access to justice just because of the reason of lack of money or any other disability.³⁵

Falling under Part IV of the Constitution, it forms a part of the Directive Principles of State Policy. Although, as a part of DPSP, it is not enforceable in a court of law but is considered as an important and vital aspect in the governance of the country. While the above-mentioned article lays the foundation for provision of legal aid, there are other provisions as well which facilitate the same. According to Article 38(1), it is the duty of the State to strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic or political, shall inform all the institutions of the national life.³⁶

³⁴Pooja Vardhan, "Right to Legal Aid: A Constitutional Commitment" Available at: <pib.nic.in/newsite> (Last visited on November 1, 2018).

³⁵The Constitution of India, Art. 39A.

³⁶ The Constitution of India, Art. 38(1).

For long there has been a misconception that Legal Aid is not a right in its true sense as it is not a part of the Fundamental Rights.³⁷ However, the position is now clear with as the Article 21 that deals with the Right to Life and Personal Liberty³⁸ has widened its scope to include the 'Right to free legal' as well as the 'Right to speedy trial'. Further, Article 22(1) of the Constitution requires that a detained person should be given the right to "consult, and to be defended by, a legal practitioner of his choice"³⁹. Not only this, in the event of non-performance of this duty by the State, Article 1440 will become meaningless as people will not be able to enforce the rights given to them by the constitution because of their poor economic status or illiteracy and 'equal justice' will be just a dream. This demonstrates the close inter-relationship between Directive Principles of State Policy (DPSP) and Fundamental Rights and consequently, shows how quintessential a component of the Constitution is legal aid.

Statutory Provisions

Gradually, it was realized that in order to remain true to the letter and spirit of the Constitution, something more substantial was required to be done. This was finally done through the introduction of Legal Services Authority Act, 1987.⁴¹ What went behind this legislation were many years of deliberation and hard work. In fact, the first step towards legal aid took place prior to independence, when a society called Bombay Aid Society was set up in 1945 by eminent judges, lawyers, social workers and philanthropists with an intention to help the socio economically backward, weaker and downtrodden sections of the society to protect the rights and get them due justice.⁴² Post-

³⁷ Prof. Dr. Ranbir Singh "Access to Justice via PIL and Legal Aid" *available at*: < <https://speakingthreads.com/2015/12/06/access-to-justice-via-pil-and-legal-aid/>> (Last visited on November 1, 2018).

³⁸ The Constitution of India, Art. 21.

³⁹ The Constitution of India, Art. 22(1).

⁴⁰ The Constitution of India, Art. 14.

⁴¹ Legal Services Authorities Act, 1987.

⁴² *Available at*: bombaylegallaid.org/ (Last visited on November 1, 2018).

independence, independent State legal committees started to take shape in different States like Uttar Pradesh (1952), Madras (1954) etc.⁴³

In 1958, the 14th Law Commission Report examined the various aspects of the judicial administration and its reforms. Besides rejecting the plea that legal aid will increase the litigation or put a load on the budget, it suggested outlines for changes in judiciary for speedier and less expensive justice.⁴⁴

In 1971, a committee was constituted under P. N. Bhagwati, J. who observed, "even while retaining the adversary system some changes may be effected where the judges be given participatory role in the trial so for poor, placing them in equal footing with the rich in the Administration of justice". It strongly said that legal aid and legal advice ought not to be seen as an issue of charity but as an issue of right.⁴⁵ This was followed by the 1973 Krishna Iyer Committee Report wherein Krishna Iyer, J. discussed about the nexus that law and poverty had. He also stressed upon requirement of legal aid in a sense that rather than requiring the people of the country to reach the law, we should make the law reach the people. Efforts were also made to list the classes of people in need of legal aid.⁴⁶

Finally, in the year of 1977, National Judicature Report was submitted which focused on framing of legal service programme taking into consideration, the socio-economic conditions that were prevailing in the country. It prescribed the establishment of National Legal Services Authority (NALSA). In continuance of the previous report, this report adopted a three-fold test of determining the eligibility of the person: "means test-to determine people entitled to legal aid, prima facie test- to determine whether there was a prima facie case to give

⁴³ Rashmi Gupta, "Legal Aid: Myth or Reality for the Indian Legal System" *Available at:* <www.lex-warrier.in/2015/10/legal-aid-and-indian-legal-system/> (Last visited on October 15, 2018).

⁴⁴ Law Commission of India, 14th Report on Reform of Judicial Administration (1958), Chapter. 27(1):587-624.

⁴⁵ Committee of Justice Bhagwati on Free Legal Aid constituted in the year 1971.

⁴⁶ Committee on Legal Aid titled as processional justice to poor set up in the year, VR Krishna Iyer A Living Legend. Universal Law Publishing. 1972-2008.

legal aid or not, reasonableness test- to establish whether the defence sought by a person is ethical or moral."⁴⁷

While these reports never saw the light of the day, another committee was constituted which came to be known as "Committee for Implementing Legal Aid Schemes". Because of certain inadequacies, the Legal Services Authority Act, 1987 was enacted which came into effect in the year 1995. Section 2(c)(1) of the Act defines 'legal service' as "the rendering of any service in the conduct any case or other legal proceeding before any court or other Authority or tribunal and the giving of advice on any legal matter".⁴⁸

To understand the objective of any legislation, one must take a look at its target group, in other words, the people it affects. Section 12 of the Act tells us about who all are eligible for free legal aid⁴⁹:-

- A member of Scheduled Caste or Scheduled Tribe, a child or a woman, or a mentally ill or otherwise disabled person; or
- A victim of trafficking in human beings or beggar as referred to in Article 23 of the Constitution; or
- A person under circumstances of undeserved want such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or
- An industrial workman; or
- a person in custody, including custody in a protective home or in a juvenile home, or in a psychiatric hospital or psychiatric nursing home; or
- In receipt of annual income less than rupees nine thousand or such other higher amount as may be prescribed by the State Government, if the case is before a court other than the Supreme Court, and less than rupees twelve

⁴⁷ Equal Justice-Social Justice, Report on National Juridicare (August 21, 1977) 85.

⁴⁸ Legal Services Authorities Act, 1987, S. 2(c)(1).

⁴⁹ Legal Services Authorities Act, 1987, S. 12.

thousand or such other higher amount as may be prescribed by the Central Government, if the case is before the Supreme Court.

This Act is also responsible for establishing the hierarchy of institutions which dispense their functions at different levels be it at national level - National Legal Services Authority (NALSA), at the state level - State Legal Services Authority at the State level or at the district level- District Legal Services Authority. Further, committees are also established like Taluk Legal Service Committee, High Court Legal Service Committee and Supreme Court Legal Service Committee which act in co-ordination with and under the directions of their respective authorities. A detailed overview is given here under:⁵⁰

⁵⁰ Suchitra Yadav, "Issues in implementation of free legal aid schemes – Critical Analysis of Art 39A of the Constitution of India" *available at*: <https://blog.ipleaders.in/article-39a/> (Last visited on November 4, 2018).

Authority	Constitution	Functions
National Legal Services Authority (NALSA)	By the Central Government	<p>Spread legal literacy and awareness amongst people for their rights.</p> <p>Encourage settlement of disputes by Lok Adalats, negotiation, arbitration and conciliation.</p> <p>Make appropriate allocation of funds to State & District Authorities.</p> <p>Lay down policies and formulate effective schemes.</p> <p>Coordinate, monitor and direct functioning of all authorities and committees below it.</p> <p>Guide & supervise establishment and working of legal services clinics in universities, law colleges & other institutions.</p> <p>Development programmes for clinical legal education.</p> <p>Undertake & promote research in this field.</p>
State Legal Services Authority	By the State Government	<p>Give legal service to eligible people.</p> <p>Duty to give effect to policies & direction of Central Authority.</p> <p>Undertake preventive legal aid programmes.</p> <p>Conduct Lok Adalats (also LA for HC cases).</p>

District Legal Service Authority	By State Government for every District in State	<p>Duty to perform delegated functions of State Authority in the District</p> <p>Coordinate activities of Taluk Legal Services Committee with other Legal Services Committees in the District.</p> <p>Within District.</p> <p>Perform functions fixed by regulations.</p>
Supreme Court Legal Service Committee	By Central Authority	<p>In the discharge of its functions under this act, the Central Authority shall, wherever appropriate, act in coordination with universities and others engaged in the work of promoting the cause of legal services to the poor.</p>
High Court Legal Service Committee	By State Authority of each High Court	<p>To receive and scrutinize applications for legal services and to decide all questions as to the grant of or withdrawal of legal services</p> <p>To administer and implement the Legal Services programme.</p> <p>To prepare and submit returns, reports and statistical information in regard to the legal services programme to the State Authority.</p> <p>To maintain a panel of advocates and senior advocates in the High Court for providing legal advice and decide charges and expenses.</p>

Taluk Legal Service Committee	By State Authority for each taluk/ mandal/ group of taluks or mandals	Organise Lok Adalats within the Taluk Coordinate activities of legal services in Taluk Perform functions assigned by the District Authority
-------------------------------	---	---

Another distinguishing element of the Act was the presence of provision for Lok Adalats. Sections 19 to 22 discuss the same. It was proposed as another method of Alternate Dispute Resolution (ADR) mechanism where the disputes/cases pending in the court of law or at the pre-litigation stage are settled amicably. The cases can be referred to it with the consent of both the parties and the approval of the judge. An award given by Lok Adalat shall be final and it shall be binding on all the parties.⁵¹

Law, if stagnant cannot meet the demands of a dynamic society. When it was realized that the present system of Lok Adalat was not completely effective and was leading to delay in the disposal of cases, changes were affected through the Legal Services Authorities (Amendment) Act, 2002.⁵² It substituted 'Lok Adalat' with 'Permanent Lok Adalat' and incorporated some related provisions in the form of Section 22A to 22E. Another recent amendment introduced two new eligibility criteria for availing legal aid, that of transgenders and senior citizens below a particular income. This seems to be a good step forward as the Act is becoming all-inclusive and taking into consideration any group which might be socially or economically backward.

Besides a separate legislation, provisions relating to legal aid are present in our procedural laws as well, namely Code of Civil Procedure (CPC), 1908 and Code of Criminal Procedure (CrPC), 1973. According to Section 304 of CrPC, "Where in a trial before the Court of Session, the accused is not represented by a pleader and where it appears to the Court that the accused has not

⁵¹ Legal Services Authorities Act, 1987, S.19-22.

⁵² Legal Services Authorities (Amendment) Act, 2002.

sufficient means to engage a pleader; the Court shall assign a pleader for his defence at the expense of the State.”⁵³ The State Government is authorised to direct that the provisions shall apply in relation to any class of trials before other courts in the State.⁵⁴

Similarly, Order 33 of CPC states, “In case of suit by an indigent person, the plaintiff shall not be liable to pay court fee and in case he is not represented by a pleader, the Court may, if the circumstances of the case so require, assign a pleader to him.”⁵⁵ This benefit was earlier in existence for plaintiff but now has been extended to the dependent also.⁵⁶

Besides the Act, National Legal Services Authority Rules were introduced in 1995 which dealt with the substantive part liking specifying the composition of the institutions like NALSA, conditions of service, term of service, qualifications of people included in Lok Adalats etc.⁵⁷

All these provisions make clear the intention of the legislature that provides an obligation to the State to secure justice for its citizens, irrespective of any discrimination.

2.6 Judicial Expansion

Andrew Jackson had rightly remarked that “All the rights secured to the citizens under the Constitution are worth nothing, and a mere bubble, except guaranteed to them by an independent and virtuous Judiciary.” The words ‘legal aid’ and ‘justice’ may have wide and varied connotations but the idea of legal aid evolves from the idea of justice.

⁵³ Code of Criminal Procedure, 1973, S. 304.

⁵⁴ Code of Criminal Procedure, 1973, S. 304(3)

⁵⁵ Code of Civil Procedure, 1908, Order 33.

⁵⁶ *Ibid.*

⁵⁷ National Legal Services Authority Rules, 1995.

The Indian Constitution has aimed to establish an independent and impartial judiciary, through which the courts have been given the power to protect the rights of people, irrespective of any factors like their social status or financial status. Since providing justice to everyone is the aim of the constitution and the directive principles are an integral part of the constitution, the constitution directs that judiciary has duty to protect rights not only of the deprived or poor but also society as a whole.⁵⁸

The Indian Courts have actively participated in establishing a uniform system to legal aid while interpreting its provisions, practical intricacies, procedures and impediments. The Courts have expanded the scope of legal aid through various judgments. The emerging concepts of Lok Adalats along with Public Interest Litigation also lead to the widening the scope of the judiciary in providing or interpreting the core ideas of legal aid and ensuring that it is accessible to the needy people.

P. N. Bhagwati, J. played a crucial role in promoting the legal aid movement in our country and he observed that, "the legal aid means providing an arrangement in the society so that the missionary of administration of justice becomes easily accessible and is not out of reach of those who have to resort to it for enforcement of its given to them by law, the poor and illiterate should be able to approach the courts and their ignorance and poverty should not be an impediment in the way of their obtaining justice from the courts. Legal aid should be available to the poor and illiterate, who don't have access to courts. One need not be a litigant to seek aid by means of legal aid".⁵⁹

This issue of legal aid drew attention of the Apex Court of India after the above-mentioned statement when a petition was filed in the year 1979. The petition was filed collectively in the name of *Hussainara Khatoon*⁶⁰ and related

⁵⁸ Available at: www.commonlii.org (Last visited on December 16, 2018).

⁵⁹ Speaking as the chairman of the Legal Aid Committee formed in 1971 in Gujarat.

⁶⁰ *Supra* note 8.

to those prisoner's conditions who were being detained in Bihar Jail and whose suits were pending in the court. The petition was filed before the bench headed by P. N. Bhagwati, J. It is pertinent to mention here that these prisoners had spent so much time in jail, which was much more than the duration of the sentence that they would have got as punishment if there was no delay in their conviction. The court ordered the release of such prisoners with immediate effect and held that the state can't deny the constitutional right of speedy trial to an accused person based on the reason that the State has no adequate financial resources to incur the necessary expenditure that is required for improving the administrative and judicial apparatus with a view to improving speedy trial.

In *Khatri & Ors. v State of Bihar & Ors.*⁶¹, it was held that there is an obligation on the Session Judge or the Magistrate, before whom an accused appears, to inform the accused about his right to free legal aid that if the accused is not able to afford the services of a counsel because of reasons such as poverty or indigence, he has a right to obtain the free legal services and the state will make it accessible to him at its cost. The Hon'ble Supreme Court emphasized that it is the constitutional obligation of the State Governments to provide free legal service to the accused who can't afford it because of financial or administrative inability and the state cannot avoid it. If any trial is held without offering such free legal aid to an indigent accused, it will be vitiated and any conviction order passed in such trial will be set aside. The provision of legal aid is essential to ensure access to courts and providing free legal service to the needy is an essential element to any reasonable, fair and just procedure. The accused has the right to claim free legal aid not only at initial stage, but also at the appellate stage. The court stated that this constitutional right to free legal aid would just be an illusion for the needy and indigent people until they are informed of such a right by the trial judge.

⁶¹ (1981) 1 SCC 635.

According to the decision in *Sheela Barse v Union of India*,⁶² Article 39-A imposes a duty on the State to ensure the operation of a legal system that promotes justice on the basis of equal opportunity and the failure on part of state to provide legal assistance to poor and impoverished persons violates the guarantees provided by constitution. The right to legal aid is also a fundamental right of a person under Article 14 and Article 21. The following directions were issued by the court:

1. A person arrested without a warrant must be immediately informed about the grounds of arrest and the right to obtain bail.
2. Interrogation of females must be carried out in the presence of female police persons.
3. Female suspects must be kept in separate lock-ups under the supervision of female constables.
4. As soon as an arrest is made, the police should obtain from the arrested person, the name of a relative or friend whom she/he would like to be informed about the arrest. The relative or friend must then be informed by the police.
5. The police must inform the nearest Legal Aid Committee as soon as an arrest is made and the person is taken to the lock-up.
6. The Legal Aid Committee should take immediate steps to provide legal assistance to the arrested person at State cost, provided such person is willing to accept legal assistance.
7. The magistrate before whom an arrested person is produced shall inquire from the arrested person whether she has any complaints against torture and maltreatment in police custody. The magistrate shall also inform such person of her/his right to be medically examined.

⁶² (1986) 3 SCC 596.

In *Sukh Das v Union Territory of Arunachal Pradesh*,⁶³ P. N. Bhagwati, J. emphasized on the need of creating legal awareness about the rights, especially of legal aid as the poor don't know about their rights and particularly their right to have free legal aid. The Supreme Court stated that if the system leaves it to a poor ignorant person to demand his right for free legal aid, it would be mockery of the system as the right would reduce to just a promise written on paper and its purpose would fail. The court also stated that if an accused is being left unrepresented in the trial or the court proceedings, it is an absolute violation of his fundamental rights. The Hon'ble Supreme Court has also laid down that"

*"Rule of Law is basic structure of Constitution of India. Every individual is guaranteed the rights given to him under the Constitution. No one so condemn unheard. Equality of justice should be given to everyone. There ought to be a violation to the fundamental right or prerogatives, or privileges, only then remedy goes to Court of Law, but also at the stage when he is first produced before the magistrate. In absence of legal aid, trial is vitiated."*⁶⁴

In *M. H. Hoskot v State of Maharashtra*,⁶⁵ Krishna Iyer, J. held that the most essential ingredient to fair procedure is seeking a counsel's advice. If a prisoner who is sentenced to imprisonment is virtually unable to exercise his constitutional and statutory right of appeal, inclusive of special leave to the Supreme Court for want of legal assistance, this is implicit in the court under Article 142 read with Articles 21 and 39-A of the Constitution, the power to assign counsel for such imprisoned individual. It is the responsibility of the state to provide access to free legal aid to disabled, deprived or indigent prisoners and not a charity the state is doing. Failure to seek the help of a lawyer is failure of the objective of equal justice as the legal procedure depends upon

⁶³ 1986 SCR (1) 590.

⁶⁴ *Indira Gandhi v Raj Narain*, AIR 1977 SC 69.

⁶⁵ 1979 SCR (1) 192.

the expertise of a professional and when it is missing for one side, the equal justice cannot be expected for both sides.

In *Bodhisattwa Gautam v Subhra Chakraborty*,⁶⁶ it was observed that fundamental rights can be enforced not just against state but even against private individuals and bodies. It is not essential that the person who is the victim of the violation of his or her fundamental right should personally approach the court for the exercise of Article 32. The court has the power to itself take charge of the matter and hence, can proceed *suo motu* or on the basis of a petition filed by any public-spirited individual.

In the infamous case of *Ajmal Kasab v State of Maharashtra*,⁶⁷ in spite of the fact that grave charges were made against the accused, the court still held the view that it is the obligation of the magistrate or the judge to make a person aware of his right to avail legal aid and be defended by a counsel, before whom a person accused is first produced. It is the duty of the court to make legal assistance accessible to the accused where he has no means to avail facilities of a lawyer and the court has to provide the same at the expense of the state unless such facility is clearly and unambiguously refused by the accused himself. The court also directed all the magistrates in the country to take this obligation seriously and faithfully discharge the aforesaid duty. The court further made it clear that any failure to fully discharge the aforesaid duty would amount to dereliction in duty and would make the concerned magistrate liable to departmental proceedings.

In *State of Maharashtra v Manubhai Pragaji Vashi & Ors.*,⁶⁸ the Supreme Court made it clear that it is now well established that it is the duty of court to provide free legal aid to the accused at the cost of the State and the failure to provide the same would vitiate the trial, unless it has been refused by the accused.

⁶⁶ (1996) 1 SCC 490.

⁶⁷ (2012) 9 SCC 1.

⁶⁸ 1995 SCC (5) 730.

In *Rajoo @ Ramakant v State of M.P.*,⁶⁹ the apex court held that providing free legal aid or legal service to a poor person is a mandate of Constitution.⁷⁰ Neither the constitution nor the legal service authority Act makes the distinction between trial and appeal, the same shall not be made for providing legal aid. Hence, legal aid must be given to an indigent accused at all the three stages of the justice delivery system instead of only at the trial stage, irrespective of brutality of crime committed.

In *State of Haryana v Darshana Devi*,⁷¹ the court held that it is the public duty of the court to ensure rule of law is followed and make rules in such a way that legal aid is provided to the poor in order to give effect to the provisions laid down in CPC. This should be applied especially in compensation cases arising out of motor vehicle accidents where an exemption clause pertaining to court fees should be there.

In the case of *Mohd. Hussain @ Julfikar Ali v The State (Govt. of NCT) Delhi*,⁷² The court held that denial of legal aid rights to an accused at the time of trial is an abuse of due process. The court imposed an imperative duty upon the courts to ensure that all the principles of criminal law are justly followed, absence of fair trial would be construed as a violation of fundamental principles of judicial procedure.

2.7 Legal Aid Functionaries

In *Sampurna Behrui v Union of India*,⁷³ this case was pertaining to the complaint that Child Welfare Committees were not formed and juvenile justice boards were non-operational, or had not been constituted in the manner

⁶⁹ (2012) 8 SCC 553.

⁷⁰ The Constitution of India, art. 39-A.

⁷¹ AIR 1972 SC 855.

⁷² (2012) 9 SCC 408.

⁷³ (2011) 9 SCC 801.

provided in the Act in many districts. The courts directed the State Legal Services Authorities to coordinate with the above two organisations and ensure that their working and functioning is in accordance to that of the given in the Act. The apex court concluded that it is the responsibility of State to ensure that basic rights of children and their needs are met in accordance to what has been laid down in the constitution. Furthermore, the State also needs to preserve the right to live with dignity, right to fair trial, right to free and compulsory education for children below the age of 14 years.

In *Kalaben Kalabhai Desai v Alabhai Karamshibhai Desai*,⁷⁴ the court enumerated that in order to run a successful legal aid programme, it needs cooperation from all members, including lawyers and judicial officers whose duty it is to inform women and children about their right to free legal aid. Court found it rather unfortunate that because of non-involvement or cooperation of the members of the bar the free legal aid programme could not be a success.

In *Laxmi v Union of India*,⁷⁵ the court enumerated that in cases of acid attack, it is the responsibility of chief Secretaries of the States and the Administrators of the Union Territories to ensure compliance of the directions issued by it. The court directed to pay at least Rs. 3 Lakhs to the victim as the after care and rehabilitation cost by the concerned State Government/Union Territory. In order to facilitate immediate medical attention, Rs. 1 lakh shall be paid to the victim within 15 days of occurrence of the offence.

In *Suresh & Anr v State of Haryana*,⁷⁶ the court directed the State to compensate the victim under Section 357 CrPC, if the amount was not adequate or if the matter led to an acquittal or discharge and the victim was required to be rehabilitated. According to this provision, if the accused is not tried but the victim needs to be rehabilitated, it is the responsibility of State or District Legal

⁷⁴ AIR 2000 Guj. 232.

⁷⁵ (2014) 4 SCC 427.

⁷⁶ (2015) 2 SCC 227.

Services Authority to award compensation, which it can do on the request of the victim. In the present case, an interim compensation of Rs. 10 Lakh was directed to be paid to the family, by the Haryana State Legal Services Authority within one month. If the funds are not available for the purpose, then the State of Haryana will make such funds available and the Legal Services Authority will disburse the compensation within one month thereafter.

In the case of *T. Suthendraraja and another v State of Tamil Nadu and Others*,⁷⁷ The court observed that Legal Aid to Poor Accused Rules, 1976 needs drastic changes and ordered the counsels to be entitled to a daily remuneration of Rs. 750. The past remuneration shall also be effectively paid on furnishing of relevant bills certified by the designated judge.

In *Akhil Bandhu Saha v The State of West Bengal & Ors.*⁷⁸ the court said that legal aid should be read in terms of a wider definition keeping in view its constitutional mandate and an orthodox reading of the same shall be ignored. Even if a narrow view of the words 'legal service' is to be taken, the objective of legal service authority may not be fulfilled and it will then only remain a toothless tiger. Keeping in view the above guidelines, the court said that legal aid cannot just consist of engaging an advocate, paying his fees and shouldering the costs of the proceedings.

2.8 Lok Adalats

In *Jatavath Sali v Mandal Parishad Development officer*,⁷⁹ it was held that Legal Services Authority exercises a quasi-judicial functionality where the disputed questions cannot be resolved by Lok Adalats. In such cases, parties should invoke a proper remedy instead of just referring the matter.

⁷⁷ 1995 CriLJ 1496.

⁷⁸ 2006 (2) ALT 217.

⁷⁹ 2006 (2) ALT 217.

In *PT Thomas v Thomas Job*,⁸⁰ it was enumerated that awards of Lok Adalat's are also referred to as the decision of the court, only the means of reaching it have been by simpler means i.e. by conciliation. The effects of both are the same. Although, award by Lok Adalat are deemed to be fictional decree, the court have the power to extend the time inappropriate cases.

In *State of Punjab v Jalour Singh and others*⁸¹, it was held that when the order of Lok Adalat doesn't talk about any settlement between the parties, as no compromise has been reached rather, directs the respondent to make a payment, if he agrees to the order or appeal to high Court, then it is not an award of Lok Adalat. If either of the party wants to challenge an award based on settlement, then it can only be done under article 226 or 227 of the Constitution, on very limited grounds. In such a situation, the High Court ought to have heard and disposed of the appeal on merits.

In *Abul Hassan and National Legal Services Authority v Delhi Vidyut Board & Ors.*,⁸² it was held that permanent Lok Adalat should be established which would be in the interest of the people and should be held regularly in order to fulfil the purpose for which the Act has been enacted. Unless, the setup of Lok Adalat is made permanent and is held continuously, it may not be possible for the judiciary to reduce the number of pendency in the courts. Hence, there is a need to resort to alternative dispute resolution mechanism and to make the setup of Lok Adalats as permanent and continuous and this need cannot be overlooked. These experiments regarding alternative dispute resolution and Lok Adalat's must succeed otherwise the consequences for an over strained court system would be disastrous.

⁸⁰ (2005) 6 SCC 478.

⁸¹ (2008) 2 SCC 660.

⁸² AIR 1999 Del. 88.

In *Chaluvadi Murali Krishna v District Legal Service Authority, Prakasam District, Ongole*,⁸³ the court held that section 19(5)(ii) and 20(2) confer jurisdiction on the Lok Adalats even without the dispute being referred by the court. It was also held that the Lok Adalats are competent enough to deal with the pre-litigation cases. Thus, the award so made by the Lok Adalat was held to be proper and valid.

In India the judiciary has played a very pertinent role in expanding the scope of legal aid. Wide interpretation of the provisions concerning legal aid as well as the development of new aspects (by the judiciary) has immensely added to the growth of legal aid in the country.

2.9 Legal Aid In Educational Institutions

The duty to provide legal aid through various statutes has been enshrined on the State, but this duty is also extended towards the law fraternity of a country. The legal fraternity which pertinently includes the lawyers and judges also takes under its ambit the law schools which are a major part of it. Law schools while providing legal education makes a professional set up for a generation of lawyers and judges to work. If legal ethics and values are also imparted with the legal knowledge, then a professionally responsible team of lawyers and judges takes birth. This section deals with the role of legal education and the obligation of legal educational institutions in providing legal aid in India.

2.10 Structure of Legal Education in India

The legal education in India is managed by the University Grants Commission and/or Bar Council of India. Different categories of Law Schools in the country are as follows:

⁸³ AIR 2013 AP 41.

- Colleges/Universities managed and financially funded by the government.
- Colleges/Universities managed privately but financially aided by the government.
- Colleges/Universities managed and financially funded by private bodies.
- National Law Schools.

India has more than hundreds of law schools and more than one lakh law graduates register themselves with the Bar Association every year. Therefore, it becomes pertinent that the values of legal aid are imparted to the law schools itself to ensure that the legal professionals freshly coming out of the Law Schools are moulded to serve and satisfy to the needs of the society. But unfortunately, the objectives of legal education have not been defined anywhere. But Prof. Madhav Menon tried to lay down some goals of legal education in India which are as follows:-

- Law graduates must direct and moderate social change.
- Legal education must manifest higher moral values.
- Legal education must enable the maintenance of discipline and competence.
- Legal education must ensure that no strata of the society is denied access to legal services due to any financial or social reasons such poverty or lower social status.
- It must influence governmental policies on social justice and promote excellence and integrity.

While litigation services of legal aid are taken care of by the legal aid centres in the courts, the non-litigation services of legal aid are often neglected. Therefore, the non-litigation services of legal aid such as creating legal awareness, providing legal advice, paralegal services, promoting alternate dispute resolution mechanism and law reform must become a core part of legal education.

2.11 Legal Aid and Legal Aid Cells in Law Schools

The concept of Legal Aid Cells in Law Schools was propounded by a Russian professor, Alexander Lyublinski in 1901. He proposed the idea for law colleges where students could learn not only through theory lectures in classrooms but also through practical exposure by way of clinical education. To enhance the quality of legal aid in the country, some legal aid cells set up in law colleges or universities tend to give a practical field exposure to the law students. Legal Aid Cells in India date back to 1960s when the legal aid movement in the country began. The concept of Legal Aid Cells in law schools was initiated by the Bar Council of India in 1998, whereas it has mandated the establishment of the same in all law schools registered under it from 2008 onwards.

The Law Schools serve as a facilitator at grass root levels where students tend to take up the roles of the value adders to the society. A student has the requisite time and energy for this role. Organizing seminars, workshops, visiting jails, villages, interacting with people at grassroots level, organizing legal literacy drives are among some activities that the students in a legal aid cell can take up. This ensures their capacity building and enhance their soft skills. All law schools shall set up Legal Aid Cells where students can do something for the society and in return get the requisite legal training. These clinics are effective instruments for community education and enabling legal service programs. Such practices also improve the reputation and value of legal profession. If properly channelled, law colleges can easily meet the demands of the modern society and reach desirable goals.

2.12 Purpose for Setting up Legal Aid Cells in a Law School

Besides imparting Legal Education, the development of a law student in professional and intellectual arena in a wholistic manner necessarily requires setting up of Legal Aid Cell in a Law School. It assists in the following:

- Making law students as competent and social lawyers. Both competency and social skills are necessary to become a professionally responsible lawyer.
- It is important to give an exposure of practical field to the law students.
- It helps in equitable distribution of resources in the society by making people aware of their legal rights.
- It is necessary to provide affordable legal services to the people.
- It gives a chance to the law student to hone their soft and professional skills.

2.13 Challenges Faced

The establishment and the effective functioning of any Legal Aid Cell in a law school faces following challenges:

- Lack of financial support: Not all law schools have requisite financial system for the setting up of a Legal Aid Cell.
- Lack of infrastructural facilities.
- Lack of trained faculty: No continuous training facilities provided to the faculties or students in this regard. Teachers are restricted to practice in courts by the Bar Council and therefore, they lack practical adequacy. Legal Aid Cells also require the presence of fulltime legal faculty which is not available in many law schools.
- No proper involvement from Bar Council of India.
- Lack of support by Legal Aid Centres in the courts.
- Lack of motivation among students.

Suggested Solutions

- Legal literacy programs can be taken up by the law schools which require no infrastructure and minimal financial facilities. Law students can easily visit the remote areas of the country and organize various legal literacy programs to generate awareness amongst people about their legal rights.

- Another activity that can be easily taken up by Legal Aid Cells in law schools in conducting legal entitlement programs where research can be taken up to study the effects of various social welfare schemes started by the State or Central Government. This can be useful for promoting law reforms as well.
- Students can also take up para legal services such as drafting of RTI applications, affidavits, etc. As establishment of Legal Aid Cells in law schools is now mandated by the Bar Council of India, including the same into a curriculum which is mandatory for every law student to take up can help in involving maximum participation from law students.
- Suitable criteria such as giving academic credits can also be implemented in order to evaluate the students. Free legal advice clinics can also set up where the law students can provide free legal advice on simple matters.

2.14 IMPEDIMENTS TO THE LEGAL AID SYSTEM IN INDIA

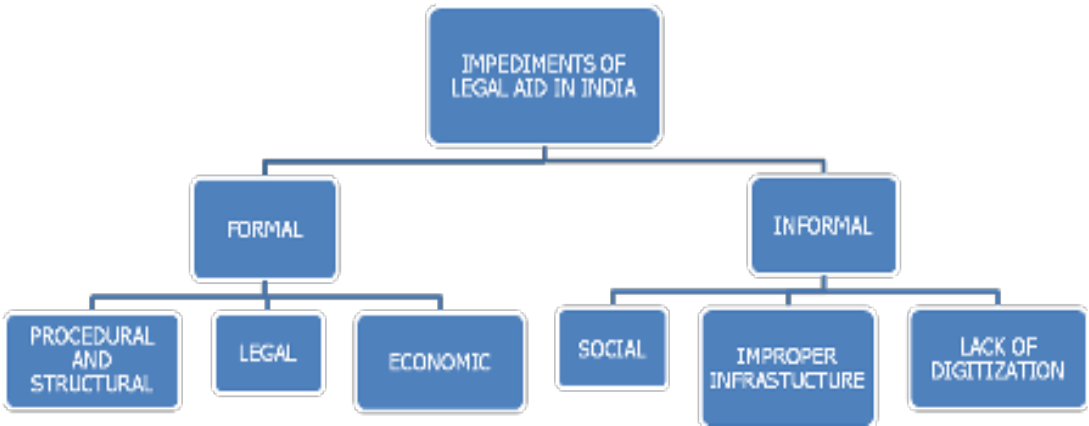
Louis D. Brandeissaid "*If we desire respect for the law, we must first make the law respectable*".⁸⁴

A law or any policy is made keeping in mind the circumstances and precedents of the period of time in which it is laid down. It becomes important to realize that with changing time and circumstances in the world, the law/policy is unable to cover the objective for which it was made. Not only this, but the impediments or shortcomings of the legislation/rule also make review and monitoring of that legislation an important aspect.

Legal Aid system in India came with the purpose to offer free legal aid to the needy members of the society but it failed to a certain extent due to the presence of various impediments which need to be dealt with in order to expand the ambit of legal aid.

⁸⁴ Available at: <https://charterforcompassion.org/truth-appointed-and-elected-public-figures/truth-justice-louis-brandeis>(Last visited on December 19, 2018).

Fig. 2.1: Impediments of Legal Aid in India



This figure provides for the Impediments of Legal Aid system in India. These are classified mainly into formal and informal barriers. While the formal barriers are the technical and structural barriers, the informal barriers are varied but they generally have a direct impact on the efficiency of the system of legal aid. Such impediments as well as suggested solutions are enlisted below:

Formal Barriers

1. *Procedural and Structural:* Legal Aid in India is looked after by National Legal Service Authority, which provides a structure of legal aid system in the country. The legal aid cells/clinics/centres are established under this Act only. Providing a separate structure and procedure does enable a *pro bono* system but the need of the time is to create a society where everyone becomes a part of this system and not only the empanelled lawyers. This can be made possible by making it mandatory for every member lawyer of the Bar Association to take up a specific number of *pro bono* cases annually. Our legal aid system lacks such provision. Professional training should be given to the lawyers related to the appropriate laws regarding the free legal aid and also about the procedure that is followed in the courts thereof. The role of a law school is vital as the law Schools can play a great role in imparting such trainings. There are not enough lawyers empanelled with

Legal Services Authorities. Though it is mandated by many judgments that if a person is unable to afford a lawyer, it becomes the duty of the court to provide the person with a legal representative under free legal aid scheme but this is not a followed practice in many courts. Synchronization of Legal Aid Centres State-wise is also important to maintain a uniformity which is not in practice.

2. *Legal*: In cases with relating to malicious prosecution, defamation, perjury, contempt of court etc.; matters where the fine imposed is not more than Rs.50/-; proceedings relating to election; offences against social laws and economic offences; and in the cases where the person seeking legal aid is not a direct party to the proceedings, i.e. the person whose interests will not be affected from that proceeding, if not represented properly, the right to avail free legal aid is not available.⁸⁵

Strictly going by the eligibility criterion of the LSA Act, 1987, even the people who have adequate means to access justice can avail legal aid. This causes an increase in the number of cases of free legal aid, thereby increasing avoidable burden upon the Legal Aid Authorities and consequently decreasing the opportunity for actual needy persons.

1. *Economic*: It is true that lawyers taking the legal aid work are motivated to make the society a better place to live but they need proper financial remunerations by the government for doing the work dedicatedly. The salaries of the lawyers in the legal aid panel are much lesser than the salaries fixed for public prosecutors. Not only this, the minimal salaries which are provided are not paid in time. There is no fixed procedure for the same. So the lawyers are less interested in providing any proficient and competent legal assistance to the people availing free legal aid because of the financial constraints. It may also lead to involvement of lawyers in corrupt practices. It is important to fix the salaries as well as the procedure and manner in which these shall be provided to lawyers in the legal aid panels.

⁸⁵ *Available at*: <http://humanrightsinitiative.org/publications/police/legal.pdf> (Last visited on December 15, 2018).

Further, the economic barriers are not limited to the salaries but also to other aspects like maintaining and updating the registers and records and also keeping a separate staff to administer monitoring committees which are equally important as the lawyers representing the people in the courts.

Informal Barriers

1. *Social*: Social barriers include all those problems which tend to decrease the impact that is intended to be created by legal aid services. One major barrier is the lack of awareness among the people about legal aid. It is evident by the provisions that legal aid in our country can be availed by almost every strata of the society, but a few of them avail these services due to lack of sensitization. Also, people who are aware about such services have a poor perception about the quality of free legal aid. They often think that the quality is being compromised with the money. This is a major reason why people have lack of motivation to pursue legal aid in courts. Individuals have the right to legal aid and if they are ignorant of this right it leads to their exploitation. It is the duty of the State to create more awareness among the common public about the services which can be availed from legal aid. The State must organize certain awareness camps at regular intervals. Also, to oversee the working of the State Authorities in this regard, an inspecting authority must also be appointed. Social barriers also include the lack of motivation among lawyers and even litigants to get the disputes settled.
2. *Improper Infrastructure*: Our environment plays an important factor to build our psychology. Lack of proper infrastructure serves as a challenge to provide requisite legal aid. There is no provision for separate spaces to be provided for the legal aid service provider. It is true that separate Legal Aid Cells are provided for each district in a State but considering the population it has to deal with the space so provided is too less. The need is to make it systematized through a proper infrastructure. Separate rooms shall be provided for counselling purposes. Separate chambers shall be provided to

the panel lawyers. Also, the legal aid committee of the district shall have a separate space to work.

3. *Lack of Digitization*: Digitization in areas like banking, passport agencies, and other government sectors has brought a lot of transparency as well as efficiency in the speedy transmission of services. Digitization helps in reducing paper work and also, gives a framework to a system as the data can be used for further research and studies conveniently. Digitization, in legal aid sector, will definitely bring more efficiency into the system. From complaint filing mechanism to the usage to video conferencing for witness examination, everything can be made easy through technology. It is to be noted that not everyone in the country is expected to know the technical nuances. Therefore, digitization of the system shall be done keeping this fact in mind.

PART-III

DIGITIZATION IN LEGAL AID

3. DIGITIZATION

The advent of 21st century heralded the 'age of technology' that has had an indelible impact on our everyday lives. It has transformed the way we humans live, retire old processes in favour of newer, more efficient processes and give birth to entirely new professions and sectors which were not in existence before. It is clear today that digitization has the power to bring about vast economic, social and political improvements.

The technological revolution began with 'digitization' i.e. in simple terms making the move from analogue to digital, making information available and accessible in a digital format. Once data is digitized, it is ready for potential use by various applications to facilitate work, which is what we commonly refer to as 'digitalization'. This 'digital transformation' that we witness today is nothing but creating platforms that integrate this digitized data and digitalized applications.⁸⁶

In formal terms, digitization refers to "the action or process of digitizing: the conversion of analogue data (esp. in later use images, video, text) into digital form."⁸⁷ This is basically conversion of analogue information into zeroes and ones to enable computers to save, process and share such the data. Digitalization is "*adoption or increase in use of digital or computer technology by an organisation, industry, country etc.*"⁸⁸ In this sense, digitalization includes digitization.

However, digitalisation extends far more beyond just digitization which is an outright technical process, it extends to creating broader change by connecting multiple platforms through a common digital infrastructure.

⁸⁶ Anna Irrniger, "Difference between Digitization, digitalization and digital transformation", *Core Systems*, Nov. 29, 2017, available at: <https://www.coresystems.net/blog/difference-between-digitization-digitalization-and-digital-transformation> (Last visited on July 29, 2018).

⁸⁷ Tanpreet Kaur Narula and Sadhana Rana, "Digitalization in India" 8(1) *International Journal on Emerging Technologies* 298 (2017).

⁸⁸ Ibid.

Therefore, it is aptly stated that digitalization is the sphere where the social interaction are entirely wound around digital communication and media infrastructures.⁸⁹ This definition by Brennen and Kreiss focuses on the aspect of how as part of social life, people interact with each other. In terms of changing business models, Gartner states that "digitalization is the use of digital technologies to change a business model and provide new revenue and value-producing opportunities... it is the process of moving to a digital business."⁹⁰ The Brookings report⁹¹ points to the impact of such digitization and states "*digitalization is transforming the world of work...the acquisition of digital skills has now become a prerequisite for individual, industry and regional success.*"⁹² It is testified that "*digitalization increases process efficiency and improves data transparency, and of course, it should help boost your top line.*"⁹³

The overall phenomena of using digital methods is called 'digital transformation'. For example, in case of a business, use of automation in processes and retraining workers to use computers and more broader strategies that are customer-centric and use latest digital technology, may usher change. It is not something that enterprises can implement as projects because it is much broader and it refers to customer-driven strategies and also implementation of digital systems.⁹⁴

The use of digital technology has revolutionised the dynamics of how work is conducted in whichever field it has been applied to. It has opened a whole new world of possibilities across disciplines which are boundless and

⁸⁹ Jason Bloomberg, "Digitization, Digitalization, And Digital Transformation: Confuse Them at Your Peril", *available at: <https://www.forbes.com/sites/jasonbloomberg/2018/04/29/digitization-digitalization-and-digital-transformation-confuse-them-at-your-peril/#67dc08cb2f2c>* (Last visited on December 15, 2018).

⁹⁰ *Ibid.*

⁹¹ Brookings Institution, Digitalization and the American workforce, *available at: <https://www.brookings.edu/research/digitalization-and-the-american-workforce/>* (Last visited on November 10, 2017).

⁹² *Supra* note 4.

⁹³ *Ibid.*

⁹⁴ *Ibid.*

limitless.⁹⁵ For a robust digitalisation framework it is required that proper planning, collaboration and synergy among various sectors within the same field is achieved. The involvement of the users and the stakeholders also gain utmost importance in this framework.

Digitization is not a single event and actually proceeds in phases. These 'waves' of progress are driven by progress in technology and 'diffusion of innovations'.⁹⁶ The first wave is typically one which involves the introduction and adoption of 'mature' technologies aimed at automating data, monitoring and reporting of performance, telecommunications technologies like broadband, voice telecommunication which allow remote access of information.⁹⁷ The second wave of digitization is the diffusion of internet and its corresponding platforms whereas the third wave is the adoption of advanced technologies such as big data/analytics, internet of things, robotics, sensors and artificial intelligence.⁹⁸ The main focus here is enhancing 'information processing' and the quality of 'decision making' while 'automating routine tasks' within the system.⁹⁹

Each of these waves is characterised by its set of social and economic impact. This report has established that first wave of progress in case digitization of economy leads to traditional sectors of economy to grow more rapidly.¹⁰⁰ The removal of resource constraint has led to increased labour demand in the service industry, leaving a positive effect in manufacturing. There has also been growth in household income and facilitation of social inclusion (access to information, government services and entertainment

⁹⁵ Shamim, "Digital India – Scope, Impact and Challenges" 3 (12) *IJIRAE* 90 (2017).

⁹⁶ International Tele Communications Union, Discussion paper on Social and Economic Impact of Digital Transformation on the Economy *available at*: https://www.itu.int/en/ITUUD/Conferences/GSR/Documents/GSR2017/Soc_Eco_impact_Digital_transformation_finalGS.pdf (Last visited on July 24, 2017).

⁹⁷ *Ibid.*

⁹⁸ *Ibid.*

⁹⁹ *Ibid.*

¹⁰⁰ *Ibid.*

content).¹⁰¹ The second wave of digitization i.e. introduction of internet information searches, electronic commerce, distance education has shown disappearance of low and middle-skilled jobs resulting from task automation amongst other effects.¹⁰² The final and the third wave has shown productivity improvement with noted impact on social welfare particularly those linked to sustainable development goals related to delivery of public services.

The Government of India has been focused on the public sector enterprises (PSE) to utilize digital technology in carrying out their functions, operations and services. Further, year 2015 witnessed the launch of 'Digital India' the Central Government Scheme aimed at creating a knowledge-based future in India. Within this programme, the main thrust is on the use of technology to create increased participation, transparency and response. It aims to boost 'digital infrastructure as a utility to every citizen', 'governance and service on demand' and 'digital empowerment of citizens'.¹⁰³

To operationalize the 'Digital India' scheme, it is set to provide super-fast internet, mobile phone and bank account that are digitally enabled providing financial space. Another aim is to provide a shareable private space on a public cloud and creation of a cyber space which is safeguarded. It also aims to spread digital literacy and finally seamless integration across departments, jurisdictions while at the same time providing these services in real time by way of online and mobile platforms. Though the focus of 'Digital India' has been mostly business and economy related, other sectors are also set to gain from this digital transformation of the country.

3.1 Digitisation and Legal Aid

The next step in law and legal services delivery is unimaginable without technology. The success of this endeavour lies in how the legal system can

¹⁰¹ *Supra* note 11.

¹⁰² *Ibid.*

¹⁰³ *Ibid.*

harness technology to its utmost potential so as to ensure its aim of providing justice and access to justice to all.

Firstly, it is imperative to look at what are the possible implications of the rapidly advancing technology on the legal field. Firstly, since the legal system, by its very nature, is labour-intensive and the legal process is time-consuming and lengthy, it is quite obvious that application of technology will make a lot of difference. Secondly, though 'business' and 'law' are not the same, in order to understand and appreciate legal system in its entirety, we also need to focus at the 'business aspect of law'. This basically refers to the demand of legal services by those in need and the supply of the same by the legal professionals. Needless to say, while the demand is increasing, supply has not been able to adequately cater to this increasing demand. This showcases failure on the part of the legal system which is unable to fulfil its basic promise of providing justice to all. Therefore, it is imperative to keep up with the pace of technology and it would be detrimental to the legal sector to neglect to adopt technology for bettering legal services.¹⁰⁴

Working towards a more efficient and modern system, the digitization of the legal sectors is underway. Though in a nascent stage as compared to other sectors who have plunged head long into the digital revolution, legal industry had been until the last decade, untouched by the advances in technology. However, as the legal sector has had to change its traditional mode of working to function in tandem with the other advanced sectors, it has become a full-fledged legal industry itself providing legal solutions and services. Digitization is an agenda that should be pursued with utmost urgency so as to enable the legal industry to attract and retain talent, improve profitability and to benchmark itself from its other global counterparts. Presented below are some efforts on the front of introducing technology in law and legal services:

¹⁰⁴ Richa Kachhwaha, "Technology & Innovation: Trends Transforming the Legal Industry", *Livelaw.com*, available at: <https://www.livelaw.in/technology-innovation-trends-transforming-the-legal-industry/> (Last visited on May 16, 2018).

- The Supreme Court led the digitization of one crore five lakh pages and records of civil appeals from pre-independence era till the year 2002.¹⁰⁵
- The Integrated Case Management System (ICMS) was launched to make available digitally government services to Indian Courts.
- In 2013-14, the National Judicial Data Grid was launched to monitor the Indian Courts system has been instrumental in showing data related to pending civil and criminal cases.
- In 2010, the E-Courts project was launched with a thrust on creating courts that have equipped with latest technology and promote automation of case management processes as well as provide for online system of paying fees in lower courts. Its aim was not only to provide legal access to database to judges but also increased transparency for litigants.¹⁰⁶
- In the year 2017, in order to institutionalize the delivery of legal aid services to the marginalised communities, pro-bono legal services platform www.doj.gov.in was also launched where litigants from 'marginalised communities', who were not able to afford to pay for legal services could seek legal aid and advice from pro bono lawyers by applying for it.¹⁰⁷
- In addition, the *Nyaya Mitra* program was launched in 2017 to collaborate with the e-courts wherein retired judicial officers could assist as 'friends of the law' in resolution of cases that have been pending for more than ten

¹⁰⁵ *Ibid.*

¹⁰⁶ Siddharth Peter de Souza & Varsha Aithala, "Can Technology Finally Deliver on India's Legal Aid Promise?" Stanford Social Innovation Review, *available at*: https://ssir.org/articles/entry/can_technology_finally_deliver_on_indias_legal_aid_promise (Last visited on July 27, 2018).

¹⁰⁷ Priyanka Mittal, "Law ministry launches 3 legal aid services for poor" *available at*: https://www.livemint.com/Politics/WRepRAhQvdKgngmFJlq8FP/Law-ministry_launches-3-legal-aid-services-for-poor.html (Last visited on April 20, 2017).

years as per the National Judicial Data Grid.¹⁰⁸ This is aimed at resolution of cases for litigants whose cases have been pending investigation and trial and thus cut delay in deciding of cases.

- Another innovation of technology is '*tele law*' which would help to connect lawyers with clients by video conferencing through Common Service Centres launched in Uttar Pradesh, Bihar, North Eastern states and Jammu and Kashmir.
- In February 2018, the Nagaland State Legal Services Authority launched its pilot digitization of its Legal Services Clinic in all jails of Nagaland. This is aimed at maintaining proper records of activities of the clinics that would have data related to the inmates and their court cases available at the click of button. This data would be available in local computers of the Legal Services Clinic in the respective jail authorities. It would also contain the particulars of orders passed by various courts, next date of hearing etc. along with names of legal representative also ensuring at the same time that no under trial in jail remain without legal representation.¹⁰⁹
- Practice management solutions or case management solutions by law firms which is very low currently but is advantageous for transparency and increased efficiency. This helps in overcoming the time wasting tasks such as retrieving and referring documents, linking to client information, emails, billing, task calendars and more in law firms.¹¹⁰
- Adoption of cloud computing by lawyers in the United States has shown that it streamlines their functions and services.¹¹¹

¹⁰⁸ *Ibid.*

¹⁰⁹ Editorial, "NSLSA digitize legal services clinic in jail across State" *Nagaland Page*, available at: <https://nagalandpage.com/nslsa-digitize-legal-services-clinic-in-jail-across-state/> (Last visited on February 26, 2018).

¹¹⁰ *Supra* note 19.

¹¹¹ *Supra* note 21.

3.2 Relevance Of Digitalization In Other Areas

Digitalization surely acts as a catalyst for most of the flourished fields to prosper further. With the digital age revolutionizing all domains including law & legal services, it is important to study its impact within our fraternity. The foregoing Indian legal system laid more emphasis on paperwork but less on technology while the current system strives to digitalize the entire legal system.

Need for Digitalization

A digitally connected India can provide better access to government schemes and help in improving socio economic condition through development of economic activities. However, Information and Communications Technology alone cannot lead to overall growth and development of the nation, but it can be realized through literacy, basic infrastructure, overall business environment, regulatory environment, etc.

Digitalization makes working effective and efficient. Digitalization of governance activities, enhances the quality of life of citizens, increases transparency and ease outs service delivery. Cutting of cost enhances the profit margins and hence accentuates returns in all the sectors. Automation of agricultural sector reduces uncertainties and leads to better utilization of available resources. Automation of industry leads to healthy competition and growth of the sector. Digitalization of service increases customer satisfaction and leads to development and growth. Digitalization also impacts the employment in the country and has important role to play to shift Indian economy to a developed economy.

Digitisation: Accessibility and Connectivity

Digitalization being an Indian term rather focuses on the people from all walks of life being able to achieve access to equal opportunity for every aspect

of life including education, health, transport, etc. Development of country is not possible if the development activities are lopsided and only tend to benefit the rich section of the society.

Sugamya Bharat Abhiyaan or Accessibility India Campaign¹¹² is one such initiative to enable people with disabilities to gain access to transport, information and communication system. It is an app to procure information about the inaccessible places across India.

Another mechanism is that of e-Sampark which connects the government directly to the citizens of the country by the way of e- mails and SMS services. This not only helps to connect the people with their ruling representatives, but also serves as a medium to maintain contacts for the better accessibility of the officials.

Digital India programme was launched by the Government of India on July 1st, 2015. The aim was to provide the citizens from rural and urban areas with facilities and services to connect them to each other virtually and electronically. Steps are being taken for digital empowerment by improving infrastructure and use of advanced technology. Initiatives are also being taken to increase the digital literacy of the population to make them self-reliant and capable of handling technology. This is expected to generate employment opportunities in the country.

3.2.1 Digitalization and Indian Economy

Indian economy is growing due to industrialization in the country. India ranks 7th largest economy when measured through GDP (Gross Domestic Product) and 3rd largest when measured on the basis of PPP (Purchasing Power Parity). The average growth rate of the economy has been around 7% for the

¹¹² Small Farmers' Agribusiness Consortium, available at: <http://www.enam.gov.in/NAM/home/index.html> (Last visited on December 15, 2018).

last two decades. The Indian economy has piqued the interest of the world due to industrialization & automation, increased customer base (population) and increase in ease of trade due to regulation.¹¹³

Digital India Programme

The Digital India Programme focuses upon all-inclusive growth of the Indian economy, in all sectors like agriculture, industry and services. This programme will create employment opportunities in the country, and in return increase GDP and per capita income to improve the quality of life of population. Some important facilities provided under this programme are digital locker, e-mandi, e-education, e-hospitals, e-banking, e-government, e-sign, etc.

Good governance is both a need and a challenge in a demographically large country such as India. Corruption, lack of transparency, delay in justice and accessibility problem in reaching the authorities are the major hurdles coming in way of governing a country with such a diverse diaspora. Thus, digitalization as a medium has tried to overcome these challenges with various schemes and portals.

*E-Office*¹¹⁴ is such portal which aims to become the backbone of good governance by enabling inter and intra government processes. It thrives to achieve transparency and efficiency in all the government offices at central, state as well as the district levels.

Likewise, *E-Taal* is a web portal which enables e-Transactions at National and State level e-governance projects.¹¹⁵ It helps in the quick analysis of all the transactions made by all the governance projects through electronic medium.

¹¹³ Karamvir Sheokand and Neha Gupta, "Digital India programme and impact of digitalisation on Indian economy", available at: http://ijed.informaticspublishing.com/_/index.php/ijed/article/viewFile/115328/80072 (Last visited on December 15, 2018).

¹¹⁴ E-OFFICE: A Digital Workplace Solution available at: <https://eoffice.gov.in/> (Last visited on December 14, 2018).

¹¹⁵ Digital India, available at: <http://digitalindia.gov.in/rural> (Last visited on November 5, 2018).

Similarly, government has tried to outreach its governance programmes to the rural sectors of the country as well with the help of digitalization.

E-Panchayat one such initiative which provides software solution for the carrying out of the Gram Panchayat functions.¹¹⁶ Again, it aims to facilitate accessibility to the villages in order to connect to the urban areas to help themselves develop in a holistic manner. This not only empowers the rural population to come out in order to speak out the challenges faced by them, but also enable their urban population to feel a sense of connectedness with their countrymen.

The Government of India has initiated e-governance services since mid 1990s. The approach has been citizen centric and service oriented to increase transparency and efficiency in government departments. These early initiatives did not yield significant results. Therefore, National e-Governance Plan (NeGP) was launched in 2006. In order to further speed up the process , remove the hindrances in the path and to speed up the process the government came up with the Digital India Programme in 2015.¹¹⁷ The Digital India Programme is designed in a three-component structure namely creation of infrastructure, government services, and increasing digital literacy.

Governance and services on demand

In order to facilitate good governance, the government has provided several schemes, which are as follows: -¹¹⁸

- Technological integration of government departments.
- Providing real-time services to citizens.
- Availability of all entitlements on websites.
- Promoting cashless economy.

¹¹⁶ Digital Panchayat, *available at: <http://epanchayat.in/>* (Last visited on December 14, 2018).

¹¹⁷ Digital India- Power to Empower, *available at: <http://digitalindia.gov.in/content/about-programme>* (Last visited on December 12, 2018).

¹¹⁸ Ibid.

- Developing Geospatial Information Systems (GIS).

Digital empowerment of citizens

The Central Government has initiated several schemes in order to make a borderless infrastructure by creating an ecosystem to digitally empower the citizens. Following are the schemes: ⁻¹¹⁹

- Digital literacy.
- Increasing digital infrastructure.
- Increasing compatibility of digital infrastructure with Indian languages.
- Encouraging virtual submissions.
- One person one identity approach (AADHAR by UIDAI).
- Increasing participation of citizens in digital economy.
- Providing easy access to e-services.
- Promoting cyber safety and security

3.2.2 Digitalization and Agriculture

According to the India Economic Survey 2018, agriculture contributes more than 50% of workforce in India. The proportion of people so huge thus requires to be paid attention to by catering to their basic needs. This can be possible if they are up-to-date with new agricultural technologies.

Portals like 'Farmer Portal'¹²⁰ and 'Agri-Market App'¹²¹ have thus enabled farmers to stay abreast of crop prices and other relevant information which impacts the farmers to not shift between several websites to seek information.

¹¹⁹ *Ibid.*

¹²⁰ Farmers' Portal, available at: <https://farmer.gov.in/> (Last visited on November 5, 2018).

¹²¹ Kisan Suvidha App Available at: <http://mkisan.gov.in/downloadmobileapps.aspx/> (Last visited on November 5, 2018).

Another important agriculture portal is *E-Nam*¹²² (National Agriculture Market) which is an electronic trading medium for agricultural commodities, helping to reduce transaction cost and discrepancy in information provided.

3.2.3 Digitalization and Health

Health sector too has highly digitalised with almost every hospital having its own website to enable seeking online appointments of doctors but this too can be a cumbersome process as one cannot compare two hospitals effectively if he/she has to switch to various sites all at once to look for relevant information.

E-Hospital¹²³ on the other hand, is a government open source health information management system which is designed to manage multiple number of hospitals simultaneously, which consists of all online accessibility of billing to administrative work.

3.2.4 Digitalization and Banking

Apps like 'Bharat Interface for Money (BHIM)' and campaigns like *DigiDhan* have made it easier and simpler to transact money with the help of Unified Payments Interface (UPI). Even banking sector has made it possible for digital transactions and making of PAN cards, etc. quicker and time-saving by an improved net banking system.

3.2.5 Digitalization and Stock Trading

Digitalization has helped tremendously in the trading sector as well. The Department of Commerce is also pursuing the 'E-Trade'¹²⁴ project which specifically aims to facilitate foreign trade in India through the promotion of

¹²² About Accessible India Campaign, available at: <http://accessibleindia.gov.in/content/> (Last visited on December 5, 2018).

¹²³ Digital India- Power to Empower, available at: <http://digitalindia.gov.in/di-initiatives> (Last visited on December 5, 2018).

¹²⁴ eTRADE, Digital India Programme Available at: <http://etrade.gov.in/project.aspx/> (Last visited on December 15, 2018).

efficient service delivery system by those involved in foreign trade. Government 'E-Marketplace' on the other hand is a common window for all the government departments and organizations to procure all the goods and services required by them.¹²⁵ The online portal facilities are for all the stakeholders.

3.2.6 Aadhar Identity Platform

Aadhar is a 12-digit unique identity number that can be obtained by the citizens of India, based on their demographic and biometric data. Aadhar is a proof of residence which helps in availing many other services like making of the driving licence, etc.

Aadhar identification platform has now become the most significant way to receive a unique identity number which is mandatory to obtain. Even applying for Aadhar has now been digitalised for sake of convenience of Indian citizens as it helps in availing various such other services which require the proof of residence of a person like admission in educational institutions, etc.

3.2.7 Digitalization and Education

Digitalization of campaigns like '*Beti Bachao Beti Padhao*'¹²⁶ and creation of portals like 'E-Pathshala'¹²⁷ have not only helped link the various education institutes by sensitizing importance of imparting education, but has also made textbooks available online to stakeholders like teachers, students and parents which has made it accessible for the rural lot of the country.

E-Granthalaya is another application created by National Informatics Centre (NIC) which provides the facility for citizens, particularly students to

¹²⁵ GeM, Government e Marketplace, available at: <https://gem.gov.in/> (Last visited on December 5, 2018).

¹²⁶ Beti Bachao Beti Padhao, available at: <http://www.wcd.nic.in/bbbp-schemes/> (Last visited on November 6, 2018)

¹²⁷ NCERT, available at: <http://epathshala.nic.in/> (Last visited on November 6, 2018).

gain access to an online library with member services available.¹²⁸ These facilities are not only helpful for the aspiring students but also to the people of rural India where books are not available.

3.3 Digitalization and Law

Like other major areas where e-governance has tried to spread its sphere of influence, Law and Order is arguably one of the most important ones. Whether it be an attempt to computerize prison and prison management in the jail through 'e-Prison project',¹²⁹ or a scheme to make reach the optimum efficiency of policing through launch of Crime and Criminal Tracking Network and Systems (CCTNS), government has certainly impacted the area with this digitalization attempt at better regulation of order in the society.

While the e-Prison application intends to provide the essential information of the prison inmates to the prison officials and other authorities, CCTNS on the other hand, is a plan that thrives to enhance the efficiency of policing for creating a nationwide infrastructure for detecting crimes and criminals.

For the disposal of pending cases in the country, the government recently decided to transform the court room management into paperless, digital entity. This process has been expected to have a great impact on the justice delivery system with an aim to provide speedy justice to the citizens of India.

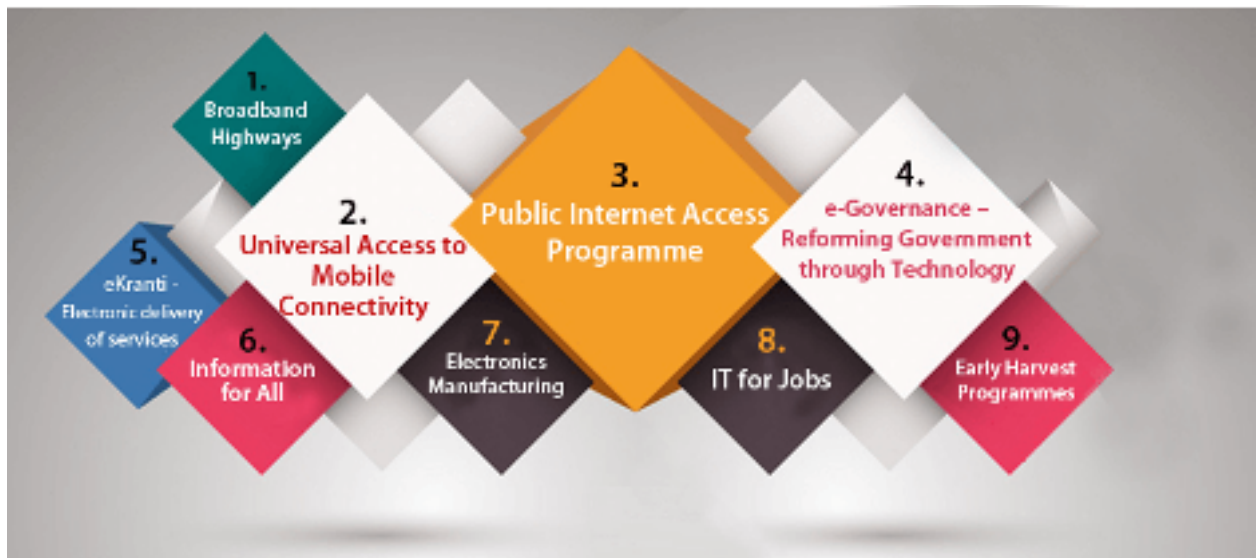
¹²⁸ E-GRANTHALAYA, available at: <https://egranthalaya.nic.in/> (Last visited on December 15, 2018).

¹²⁹ Digital India- Power to Empower, available at: <http://digitalindia.gov.in/di-initiatives> (Last visited on December 6, 2018).

Pillars of Digital India: Roadmap to Future-

Digital India programme is an all-inclusive programme involving various ministries and departments of the government. The Digital India Programme is based on following nine pillars:¹³⁰

Fig:3.1 Pillars of Digital India



• First Pillar – Broadband Highways

In the rural areas, the broadband highways would be implemented through Department of Telecommunications (DoT); with a capital expenditure of Rs. 32,000/- crores. The rural broadband highways intend to cover 250,000 Gram Panchayats. In the urban areas, focus would be on changing rules towards efficient development of the respective broadband highways. This would be achieved by developing Virtual Network Operators for service delivery along with mandating communication infrastructure in new urban development and buildings. The National Information Infrastructure would be put into practice within a time-frame by integrating SWAN, NKN, and NOFN. Implemented through DeitY, it would have nationwide coverage at a cost of Rs. 15,686 crores.

¹³⁰Reserve bank of India, Annual Report. Available at: <https://www.rbi.org.in/scripts/AnnualReportPublications.aspx?Id=1120>. (Last visited on November 6, 2018).

• **Second Pillar – Universal Access to Mobile Connectivity**

The ongoing programmes in the area of access to phones would be focused towards increasing network penetration and coverage. Universal access to mobile connectivity would be implemented through Department of Telecommunications (DoT), with a capital expenditure of Rs. 16,000/- crores and coverage of about 42,300 villages.

• **Third Pillar – Public Internet Access Programme – National Rural Internet Mission**

Here, CSCs would be made viable through multi-functional end-points for service delivery through Gram-Panchayats. Implemented through DeitY, it would cost Rs. 4,750 crores to increase the reach to 250,000 villages.

In long run, the Post Offices would be converted into Multi-Service Centres. Implemented through department of posts (D/o Posts), it intends to cover 150,000 post offices within a span of two years.

• **Fourth Pillar – E-Governance: Reforming Government through Technology**

Government would take up Business Process Re-engineering (BPR) using IT to improve transactions including form simplification and reduction, online applications and tracking, developing interface between departments, use of online repositories like school certificates and voter identity cards, integration of services and platforms like UIDAI, payment gateway, mobile platform and EDI.

Public Grievance Redressal would be automated using IT so as to analyse data to identify and resolve persistent problems, largely process improvements. These measures which are critical for transformation would be implemented across government.

• **Fifth Pillar – E-Kranti: Electronic Delivery of Services**

The present ongoing programme (NeGP) would be revamped to cover various elements to bring eKranti. This would include fostering technology in

the areas of planning, agriculture, education, health, financial inclusion, justice and security. The technology for planning would include GIS based decision making and National GIS Mission Mode Project.

• **Sixth Pillar – Information for All**

The pillar of 'information to all' would encompass making information online and hosting websites and documents. This would result into an easy and open access to information by the public in general along with development of open data platforms. As usual, the Government would pro-actively engage through social media and web-based platforms to inform citizens. The platform 'MyGov.in' would foster two-way communication between citizens and government. Also, it would enable sending online messages to citizens on special occasions/programs.

• **Seventh Pillar – Electronics Manufacturing: Target Net Zero Imports by 2020**

In India, the existing structure needs strengthening in order to boost electronic manufacturing; the target being 'Net Zero Imports' in this domain in the days to come. This would be an ambitious goal which would require coordinated action on many fronts like taxation, incentives, economies of scale, and eliminate cost disadvantages.

The areas under focus would include items like FABS, Fab-less design, Set top boxes, VSATs, mobiles, consumer & medical electronics, smart energy meters, smart cards and micro-ATMs. At present, there are many ongoing programs in the domain of electronic manufacturing which will be fine-tuned with measures such as development of incubators, clusters, and focus on skill development along with measures such as government procurement.

• **Eighth Pillar – IT for Jobs**

The objectives of this pillar are to train people in smaller towns and villages for IT sector jobs, setting up of BPO in each of the North-East state in order to foster ICT enabled growth, train service delivery agents to run viable

businesses delivering IT services, and to train rural workforce to cater to their own needs and hence create a telecom ready workforce. These initiatives would be implemented mainly through DoT and DeitY.

• **Ninth Pillar – Early Harvest Programmes**

Some of the immediate measures which can be realised soon are covered in this pillar of early harvest programmes. These would be the measures such as creating IT platform targeted to elected representatives along with all the government employees covering 1.36 Crore mobiles and 22 Lakh emails through development of a mass messaging application. Other measures would primarily include technological improvements such as government greetings would now be e-Greetings, implementation of biometric attendance in all government offices, Wi-Fi in all universities, secured emails within government, standardized government email design, public Wi-Fi hotspots, school Books to be eBooks, SMS based weather information, SMS based disaster alerts and a national portal for lost-&-found children.

3.4 Highlights of the progress towards Digital India¹³¹

- India's Digital Index rose by 56 percent during 2014-2017, from 18 to 29 on a scale of 1-100. This has placed the country second in terms of growth among 17 emerging and mature digital economies, according to McKinsey Global Institute (MGI).
- There's been a steady rise in the use of internet users in the last few years, from 375 million in October'15 to an estimated 500 million by June'18.
- The total mobile phone users in the country are pegged at 650 million, while only 300 million of them are smartphone users. According to Counterpoint research, over 175 million more smartphone users will be added in the next five years.

¹³¹ A List of Government's Online Initiatives That Can Benefit You. *Available at:* <http://www.thebetterindia.com/70771/egovernance-digital-india/> (Last visited on December 15, 2018).

- The government introduced a number of initiatives including digilockers to share documents electronically and 'Bharat Interface for Money (BHIM)' app- the UPI based mobile app for digital payments and BHIM Aadhar. The success of some of the apps along with digital wallets by the private sector like PayTM rested on the demonetization drive. The 'Pradhan Mantri Grameen Digital Saksharta Abhiyan '(PMGDISHA) was aimed at making digitally literate citizens. And efforts were also undertaken to make government apps available in regional languages.
- The government introduced a number of initiatives including digilockers to share documents electronically and 'Bharat Interface for Money (BHIM)' app- the UPI based mobile app for digital payments and Aadhar. The success of apps with digital wallets in the private sector like PayTM rested on the demonetization drive. The 'Pradhan Mantri Grameen Digital Saksharta Abhiyan '(PMGDISHA) was aimed at making digitally literate citizens. And efforts were also undertaken to make government apps available in regional languages.
- Smart cities, a flagship program that is based on digital e-governance has seen a slow start with the launch of 20 cities out of the planned 60. While the long-term projects need a robust roadmap, there is a need to bridge the gap between urban and rural India.
- The government also plans to make 'digital village' across the country, by linking all schemes with technology. The 'digital village' would be powered by LED lighting, solar energy, skill development centres and e-services like e-education and e-health.
- The progressive policies and aggressive focus on 'Make in India' have played a significant role in the resurgence of the electronics manufacturing sector.

3.5 Expected Impact of Digital India

Economic Impact:

It is estimated¹³² that the digital India plan could boost GDP up to \$1 trillion by 2025. It can play a significant role in GDP growth, employment generation, etc. As per the World Bank report,¹³³ a 10% increase in mobile use and similar increase in broadband use increases the per capita GDP by 0.81% and 1.38% respectively. India is the second largest telecom market in the world with 915 million wireless subscribers and third largest Internet market with 259 million broadband users. In spite of large use, the tele-density in rural India is only 45% and more than 65% of the population lives in villages. Urban areas are saturated with a tele-density of more than 160%, so growth in telecommunication is expected in rural areas.

Social impact:

Social parts, for example, training, medicinal services, and saving money can't contact the natives because of obstacles and constraints, for example, mediator, absence of education, numbness, neediness, absence of assets, data and speculations. These difficulties have prompted an imbalanced development in the rustic and urban regions with checked contrasts in the financial and economic wellbeing of the general population in these regions. Present day ICT makes it less demanding for individuals to get access to administrations and assets. The infiltration of cell phones might be very valuable as a correlative channel to open administration conveyance separated from making of completely new administrations which may enormously affect the personal satisfaction of the clients and prompt social modernization.

The poor education rate in India is because of inaccessibility of physical foundation in country and remote territories. This is the place 'm-Education'

¹³² The Varying Effects of Digitization on Economic Growth and Job Creation – A Global Perspective. *Available at:* http://www.strategyand.pwc.com/me/home/press_media/management_consulting_press_releases/details/52364755. (Last visited on November 6, 2018)

¹³³ Saima Khan, Shaziz Khan, Mohsina Aftab. "Digitization and its Impact on Economy." 5(2) *IJODLS* 138-149 (2015).

administrations can assume a vital part by achieving remote masses. As indicated by gauges, the computerized proficiency in India is only 6.5% and the web entrance is 20.83 out of 100 populaces. The 'Advanced India Venture' will be useful in giving constant training and somewhat address the test of absence of educators in instruction framework through brilliant and virtual classrooms. Instruction to ranchers and fishermen can be given through cell phones. The fast system can give the sufficient framework to online instruction stages like huge open online courses (MOOCs).

Versatile and web keeping money can enhance the budgetary incorporation in the nation and can make win-win circumstance for all gatherings in the esteem chain by making an interoperable biological system and income sharing plans of action. Telecom administrators get extra income streams while the banks can achieve new client bunches causing most reduced conceivable expenses. Factors such as a blossoming populace, poor specialist tolerant proportion (1:870), high baby death rate, expanding future, fewer quality doctors and a dominant part of the populace living in remote towns, bolster and legitimize the requirement for tele solution in the nation. M-wellbeing can advance development and improve the range of social insurance administrations. Advanced stages can enable ranchers in know-how (to edit decision, seed assortment), setting (climate, plant security, development best practices) and market data (showcase costs, advertise request, coordination).

Environmental Impact:

The major changes in the technological space will contribute to the changes in the environment.

The next generation technology will help in lowering the carbon footprint by reducing fuel consumption, and waste management. The ICT sector can help in efficient management and usage of scarce and non-renewable resources. Cloud computing technology can minimize carbon emissions. The

energy consumption can be decreased from 201.8 Terawatt hour (TWh) in 2010 to 139.8 TWh in 2020 by adopting one of cloud data centres.

3.6 Structure of Digitalization in relation to Legal Aid

International Scenario

Various systems have been adopted in various nations to improve the legal aid system there. The concept of legal clinic is fully observed in United States of America. Legal Clinics were started as the academic activity in the institutes where law students from law schools of USA took part in *pro bono* legal work in public interest. Law students had to represent clients in the courts *pro bono*. This way the students got the practical experience in the legal field while helping the needy people to secure their rights in the legal system. This helped in easy access to justice and legal aid. 'Clinic' can be rendered as a place where some sort of aid is provided for betterment. Legal clinics in this sense provided legal aid for the upliftment of the society and thereof provided legal training to law students. While this system is still continued in United States of America, a new system of non- academic institutions has come up. Now private bodies can organize themselves into legal clinics after getting registered under the government. This method enables the society to grow on its own. Ones who run the legal clinic are reimbursed by the government while they work independently helping the needy people free access to justice.

United Kingdom has adopted a similar view where the Legal clinics can be run by private bodies providing *pro bono* legal services to the people in the society who are incapable of attaining it themselves. Various systems have tried to incorporate such system of legal aid as to enable the public interest and welfare to flourish.

India is a welfare state and it is its duty to enable such working which renders people an easy access and sufficient availability of legal aid so that their social and legal rights are protected. India can also adopt the model of legal clinic as observed in United States of America and United Kingdom. The

involvement of law students will increase the number of stakeholders and availability of services will increase.

Digitalization of this process can be done by opening online help forums which can be started by law students or law schools on their behalf. These forums can provide free online aid in the form of consultations, future plan of action, providing help regarding formats of various application, etc.

Indian Scenario

Internet users in India increased by 11.34 percent between 2016 and 2017. This is expected to grow to *511.89 million* internet users in 2022.¹³⁴ There is need to replace offline services with digital alternatives. Indian law firms have adopted document automation systems like docassemble.org to prepare standard legal documents. Indian lawyers use online marketplaces like 'LawRato.Com' and 'MyAdvo.com' to attract new clients.¹³⁵ Use of technology to provide access to justice is in correlation with the Digital India initiative. Department of Justice (DoJ) intends to create a database of lawyers that are willing to provide their services to litigants under The Legal Services Authority Act of 1987. DoJ has communicated to all Bar Councils and Bar Associations of the nation to provide information of lawyers who engages themselves in providing legal services to the poor and those who cannot afford legal representation.

Such database will help the DoJ in identifying lawyers that provide pro bono services. The information can be utilized by Department of Justice to create a connection between those who are entitled to legal services under The Legal Services Authority Act, 1987 and a qualified lawyer that provides pro bono services and having expertise or interest in the respective matter.

¹³⁴ Number of internet users in India from 2015 to 2022 (in millions) *available at:* <https://www.statista.com/statistics/255146/number-of-internet-users-in-india/> (Last visited on December 16, 2018).

¹³⁵ Can Technology Finally Deliver on India's Legal Aid Promise? *Available at:* https://ssir.org/articles/entry/can_technology_finally_deliver_on_indias_legal_aid_promise (Last visited on December 16, 2018).

The database then will act as an additional tool for the authorities to analyse and assess the pro bono legal services provided by lawyers.

3.7 Systemization through Structurization

The systemization of a system is done through its structuration and its progress lies in its digitalization. Digitalization is the process of converting information into a digital format.¹³⁶ But the scope of digitalization is not limited to digital formatting in this research project. It progressively includes the ease of accession, ease of application and ease of availability. The aim is to establish a system which gives every Indian a sense of being an active part of the legal system and to create a notion that every citizen has a right of access to legal system. While some citizens are well-off to access the system, others are not able to access the system through the limited resources they have or due to their backward social conditions. Therefore, the concept of legal aid which promoted positive discrimination is exercised in India which was adopted from the foreign lands. The objective of the concept is achieved only when each person who deserves legal aid has access to it and is able to understand its vast applications. Hence, the idea of digitalization becomes important.

ADR (Alternate Dispute Resolution) and ODR (Online Dispute Resolution)

In India, around a lakh of cases are filed every day. From these, majority can be absolved outside the court. But due to the lack of another proper system, litigants have to rely on court systems to get justice. Due to so many cases, justice gets delayed and therefore it is almost denied to many. We need to keep in mind that by bringing legal aid into the ambit of easy access of the people, the plethora of cases may increase in the future. Therefore, a system of alternate dispute resolution also needs to be mandated. The aim of the Legal Aid Centres and cells shall be to opt for alternate dispute resolution techniques whenever possible and court litigation technique, whenever necessary. If this

¹³⁶ DIGITIZATION, available at: <https://whatis.techtarget.com/definition/digitization> (Last visited on December 15, 2018).

be done, most of the cases will be settled with time and monetary efficiency. This will reduce the burden on the courts through the help of legal aid and therefore will lead to easy access and application of legal aid. Methods like pre-institution mediation can also be introduced, giving the disputing parties a chance to reconcile before opening the doors of the courts. Matrimonial cases, cases related to small causes, property cases, commercial cases, etc. can be absolved easily through such methods, thus reducing burden on the courts. Active consultation and cost analysis shall be done by the lawyers in the legal aid panel or the PLVs while working under such methods.

The structure of Online Dispute Resolution (ODR) can also be adopted for efficient disposal of matters. ODR is a method of dispute resolution which takes place between the parties in the absence or presence of a lawyer through internet. The concept of Arbitration, Mediation and conciliation are thus inherent in this system of dispute resolution.

Three A's of Digitalization

Digitalization of legal aid includes a system of three A's:

- Access,
- Application and
- Availability.

Access to legal aid is guaranteed when every person who is entitled for legal aid in the nation is able to access the services of legal aid. Ease of access is one main aspect under it.

Application of legal aid is assured when the person entitled to legal aid is able to avail the services, understand the application of the system, how it works and who the main workers are. It is similar to the idea of awareness. Availability of the services at every place, to every part of the nation is important. The more consideration has to be made for some areas which need special attention.

3.8 Digital Inclusion: A Government Initiative

The aim is to extend the pro bono legal aid to marginalized, vulnerable and poor, the law ministry has launched three programs. These are as follow:

- Pro bono legal services,
- Tele law service and
- 'NyayaMitra' scheme.

The main idea behind these online initiatives is to encourage and promote the concept of legal aid in an incorporated manner and to ensure that lawyers who volunteer for such services are duly acknowledged.

3.8.1 Pro Bono Service

The Pro Bono Legal Service launched in April 2017 is a web-based platform through which interested lawyers can register themselves. The objectives of the scheme are:

1. To encourage lawyers and legal professionals to provide pro bono legal services
2. To recognize pro bono legal work being provided by lawyers and legal professionals
3. To create a database capturing vital information of lawyers for appropriate positions in the relevant field.¹³⁷

The Pro Bono Legal Services has witnessed limited uptake from advocates; only 224 had registered on the platform as of February 2018. This puts forward that technology alone is not sufficient. The program should also be sufficiently financially rewarding and offer a successful career.

¹³⁷ Encouraging Pro Bono Legal Services, *Available at:* <http://doj.gov.in/page/about-pro-bono> (Last visited on 16-12-2018).

3.8.2 Nyaya Mitra Program

The Nyaya Mitra scheme, is like the E-Courts program, which targets judges and court administrators. In the project, retired judicial or executive officers who already have legal experience work as 'friends of the law', or *Nyaya Mitras*. They provide legal assistance to find solutions to the cases that are pending for 10 years or more, as identified from the National Judicial Data Grid across select districts of India.¹³⁸ *Nyaya Mitra* scheme, aims at-

- Decreasing the pendency of cases across the selected districts, with special attention on those pending for ten years or more. A retired judicial officer, or an executive officer with judicial experience, would be put in charge of helping and assisting those suffering because of judicial delays.

Nyaya Mitra was officially launched in 227 districts, including 27 from North East and Jammu and Kashmir, and 200 from the states of Uttar Pradesh, Bihar, Maharashtra, Rajasthan, Odisha, Gujarat, and West Bengal. However, only 15 *Nyaya Mitras* were engaged in 2017.¹³⁹

3.8.3 Tele Law

Department of Justice (DoJ) partnered with NALSA and CSC e-Governance Service India Ltd for popularizing and mainstreaming legal aid services to the marginalised population through Common Services Centre (CSC). Tele-Law actually means the use of information technology and communications for providing legal information and advice. This e-interaction between advocates and people would be made possible through the video-conferencing infrastructure that will be available at the CSCs.

¹³⁸ Can Technology Finally Deliver on India's Legal Aid Promise? *Available at:* https://ssir.org/articles/entry/can_technology_finally_deliver_on_indias_legal_aid_promise (Last visited on December 14, 2018).

¹³⁹ About Pro Bono, *available at:* <http://doj.gov.in/page/about-pro-bono> (Last visited on 16-12-2018).

The concept of 'Tele-Law' is to facilitate delivery of legal advice through a panel of lawyers stationed at the state legal services Authorities (SALSA) and CSC. The project initiates to connect citizens with lawyers through video conferencing facilities by the para-legal volunteers stationed at identified 1800 panchayat.¹⁴⁰

The Tele Law online portal connects advocates with subject matter related expertise with people from marginalized sectors through the video conferencing facilities at various centres made and set up by state legal services authorities. The village-level enterpriser will operate these facilities and PLVs will schedule and coordinate the advocate-client meetings.

Tele Law is functional across 1800 panchayats (local self-governance units at village or town levels) in 11 Indian states, with 13,947 cases registered and legal advice provided in 10,703 cases.

Fig. 3.2: Implementation procedure followed for Tele Law



¹⁴⁰ Overview of Tele-Law, available at: <http://www.tele-law.in/static/overview-tele-law.php> (Last visited on 14-12-18).

3.9 Suggested Structure for the Digitalization of Legal Aid

Online Portal:

An online platform could be introduced that provides the answers to the legal queries, as the legal awareness amongst the people opting for free legal aid is quite low. The task can be handed over to the law schools where a team of law students headed by law faculty is responsible to provide answers to the queries every month. This will not only help the person seeking help but will also expose law students to realities of the legal field.

Online Question and Answers:

Problems and issues of the particular region and basic laws can be published by the students in the regional language on such online platform.

Training by the lawyers:

Law students can be trained by the lawyers to give the legal advice until the person seeking help gets connected to the lawyer. Also, students can make a separate list of the cases that demand immediate attention of the lawyer.

Accountability:

Online database of the number of cases pending and solved can be maintained and viewed by the general public.

Online Registration of lawyers:

Number of lawyers/law firms interested in providing free legal aid services can register online with full contact details, once the case is registered

with one such firm or lawyer all the stages with dates can be maintained online by the respective lawyer or firm, this will provide transparency.

Interactive online platform:

It can make it faster and easier to find and hire advocates, chat box service which is generally available at various educative websites can also be incorporated, which can further help the person in need and may provide speedy justice as well.

Legal Awareness:

Updating the website with the legal news.

Academic credit to the faculty and law students:

Not all law schools provide the facility of academic credit to the faculty and students. This notably reduces the motivation in conducting of legal aid activity and can be considered burdensome. Appreciation and academic credit can keep law students motivated.

Digitalizing makes it easy to preserve and share the information. To achieve the above results following structure is suggested to digitalize the Legal Aid System in India:

Fig. 3.3: Structure to digitalize the Legal Aid System in India



The intention behind creating a digital system is to promote the idea of digital India and to make the system of legal aid transparent. Transparency is not the only advantage; the idea will be an alternate to the current time and money consuming system. One online platform solely for legal aid purpose is suggested to be created in order to specify its ambit. The online platform will have all the information about the legal aid centres or clinics at district and taluk level including the law school clinics. The person visiting the website will need to only fill in his/her address and will be guided to the nearest cells. The information about the lawyers in the panel, para-legal volunteers or legal faculty available at the cells can be made available on the online portal. Additional to this, a person can lodge online complaint, register for the services online, provide information online and can even seek online advice under such a system. Any person availing the services of legal aid will be made able to provide any feedback online.

The online system will also act as an awareness generator among the public. The impact of online sources on the generation is more than any other sources. In situation of case transfer or change in the assigned lawyer, the data will be transferred automatically. There will be no need to collect data every time.

It is possible that the online database can be used for further research in the field of legal aid. The problem of improper infrastructure will be solved with the introduction of digital infrastructure. The online track of lawyers and their services can be kept easily.

With the increasing technology, it is pertinent to note that cyber-crime rate is also increasing. The need is to create a secure and protected system which helps in maintain data transparency wherever possible and data confidentiality wherever needed. Moreover, not all citizens of India are accustomed with the use of technology. Therefore, an easy to use online platform shall be created.

Lastly, the success of any digital system in the present age ultimately depends on how it is executed digital transformation. Well-designed digital services designed around the user, and powered by reliable and secure systems, tested rigorously, and operated in response to changing needs of the citizens, will be truly transformational.

Part-IV

Stake holder analysis of Law Schools

1. Delhi
2. Punjab
3. Uttar Pradesh
4. Himachal Pradesh

Clinical legal education in India is experimental learning or learning by doing. In the legal clinic, students are expected to interact with individuals from marginalised communities and work towards formulation of inclusive policies. The clinics are not very formalized. Legal Aid cells or Legal Aid Cells in the law schools are not directly supervised nor formally incorporated into the curriculum. They are mostly voluntary student run organizations, they may be supervised by faculty member, who have many other responsibilities also. Law Schools conduct certain classes focused on practical training but it is difficult for instructors to provide sufficient supervision to the students undertaking legal aid work.

Total number of Respondents in 4 States

Table No. 4.1: All States: Number of Respondents

Name of the State	Law Schools	Litigants	Lawyers	Total
Delhi	19(5) *	48	74	141
Himachal Pradesh	22(4) *	0	28	50
Punjab	50(13) *	10	40	100
Uttar Pradesh	34(13) *	36	72	142
Total	125	94	214	433

*No. of Law Schools.

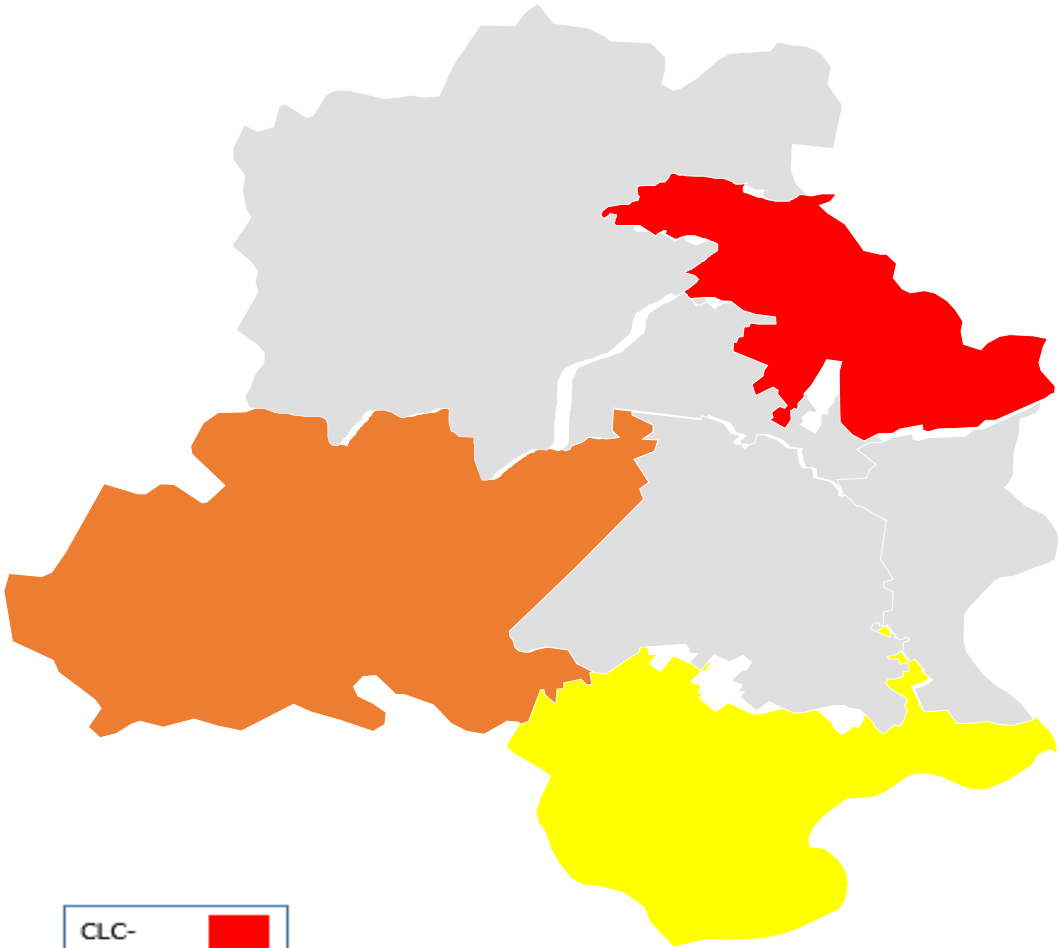
In this research, the functioning of Legal Aid Cells has been analysed to look into the following aspects of Legal Aid Cells in all four States namely, Delhi, Punjab, Himachal Pradesh and Uttar Pradesh:-






- 1) Infrastructure and Structural Compositions.
- 2) Main work profile/working characteristics and advertisement of Legal Aid Cells.
- 3) Important achievements of the Legal Aid Cells of law schools in Delhi.
- 4) Para Legal Services.
- 5) Association and Affiliation of Legal Aid Cells.

- 6) Visitors in the Legal Aid Cells in Law Schools in 2017-2018.
- 7) Law Reform Activity Undertaken by Legal Aid Cells of Law Schools in Delhi.
- 8) Academic Credit and Faculty Credit.
- 9) Common challenges faced by all law schools in Delhi.

EMPIRICAL ANALYSIS OF LAW
SCHOOLS OF DELHI

STATE OF DELHI



CLC-	
LC-1	
NLU D	
GGSIPU-	
Jamia-	

(Map not to scale)

4.1 STATE OF DELHI

The research committee analysed the State of Delhi for Law schools and Legal Aid Cells being run in various universities. Data was collected from five law schools namely Campus Law Centre, Law Centre-1, National Law University, Delhi, Guru Gobind Singh Indraprastha University and Jamia Millia University. Questionnaire was prepared to gather vital information as to the academic credit, infrastructure, teacher involvement and credit, nature of work etc. The total nineteen responses were gathered from five Law Schools. Affiliated colleges of GGSIPU were not considered for the purpose of selecting the population size

4.1.1 Infrastructure and Structural Compositions

Regarding functionality of Legal Aid Cells all responses collected from the five law schools were in affirmative. Further, all of the respondents affirmed that the Legal Aid Cell was in a separate room within the institutional premises. As per the structural compositions 72 percent of the responses stated that each of the Legal Aid Cells had one faculty coordinator. However, there were examples where the number of faculty involved in the Legal Aid Cells were two, six and ten. The composition of the student coordinators ranged from eight to fourteen in various law schools. One of the law schools had the total task force of two hundred and fifty Para legal volunteers with eight student coordinators who managed the total Legal Aid Cell activities of the institution. These coordinators are selected via selection process mostly consisting of interview and class participation.

4.1.2 Main work profile/working characteristics and advertisement of Legal Aid Cells

The main activity undertaken by Legal Aid Cells in all law schools was to conduct community outreach programmes. They also relied on skits and plays as the main *modus operandi* for dissemination of information. All law schools maintained door to door campaign as the most common protocol for advertisement of the Legal Aid Cells. They also used social media and methods such as distribution of pamphlets for advertising about the Legal Aid Cells. The students and faculty coordinators also suggested that the target area of the Legal Aid Cells was mainly the marginalised population in the slums of the society. The Legal Aid Cells functioning in National Law University Delhi, Guru Gobind Singh Indraprastha University, and Campus Law Centre had not adopted any village around their university or elsewhere. However, Law Centre-I and Jamia stated that they are in the process of adopting Malkaganj and Jasola respectively. The responses can be graphically represented as follows: -

Fig. 4.1 Delhi: Responses of the Legal Aid Cells

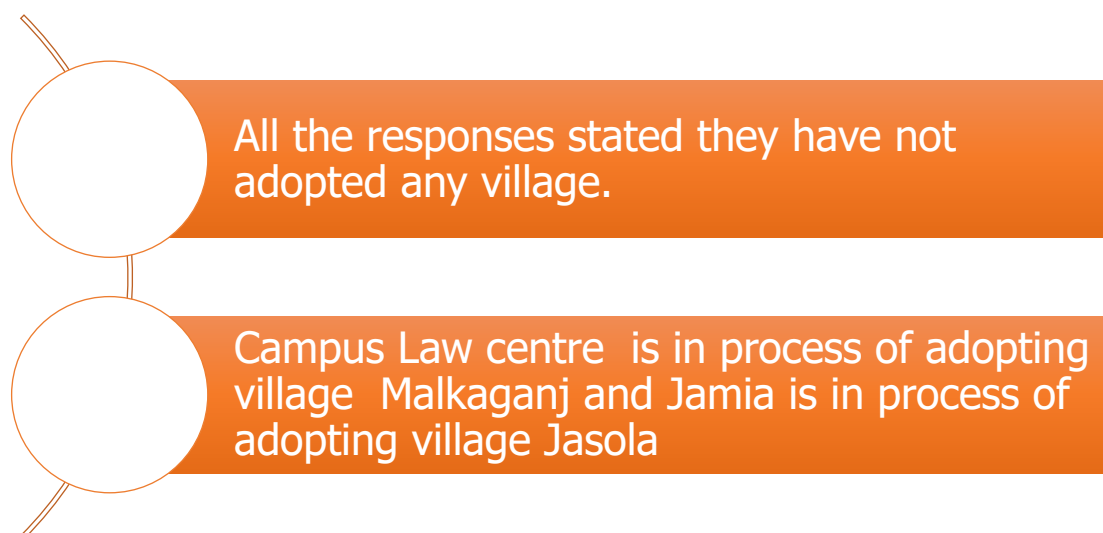
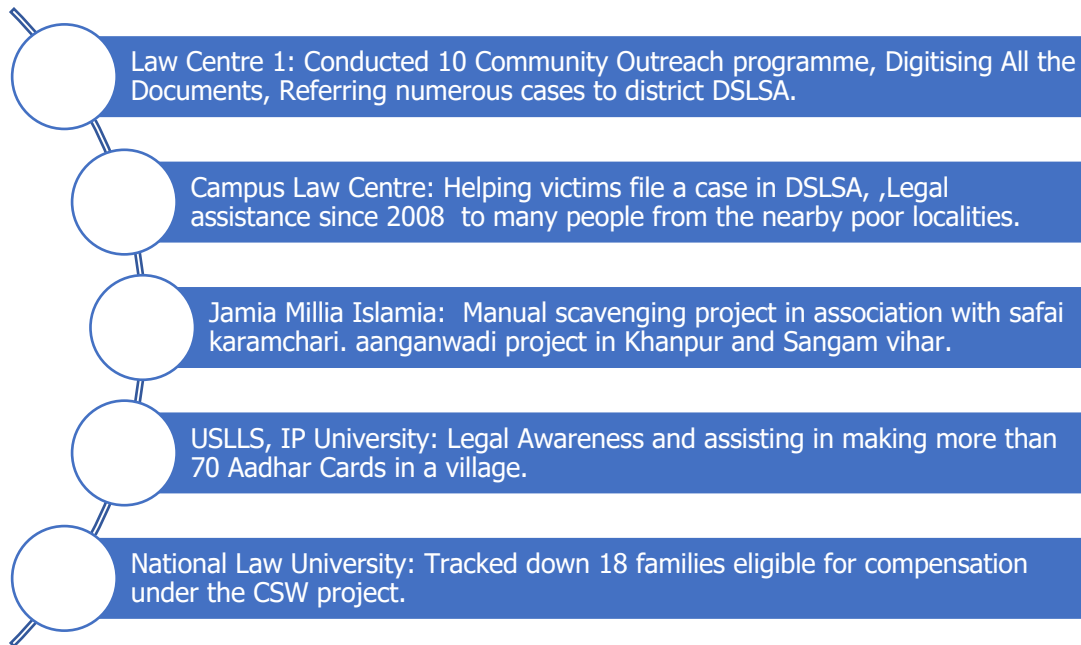


Fig. 4.2 Delhi: infrastructure and the characteristics of the Legal Aid Cells



4.1.3 Important achievements of the Legal Aid Cells of law schools in Delhi:

Fig. 4.3 Delhi: Achievements of the Legal Aid Cells



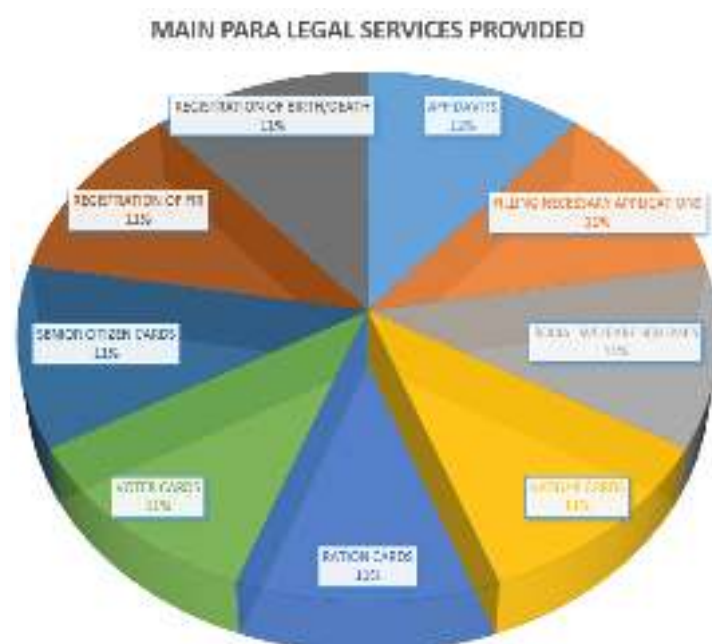
4.1.4 Para Legal Services

Legal Aid Cells in Delhi provide a variety of para legal services. These para legal services include:

- 1) Registration of birth and death
- 2) Affidavit
- 3) Aadhar Cards
- 4) Applications for taking benefit of various schemes of government.

Delhi Legal Services Authority trains students to serve as para legal volunteers. They are engaged in these wide range of activities. On close scrutiny of the responses, it emerged that there is an equal distribution of resources and manpower towards almost all of the stated activities. The DLSA and Legal Aid Cells are working towards making the activities of the law school more citizen oriented so that the community in which the law schools are located are benefited thereof. Legal Aid Cells in GGSIPU have worked in nearby villages e.g. Bharatpur to provide the marginalized community to gain access to public services like helping them in making Aadhar Cards.

Fig. 4.4 Delhi: Breakup of Para legal Services



4.1.5 Association and Affiliation of Legal Aid Cells

Traditionally, Law Schools have had affiliation with their State Legal Aid Authority. The traditional model of law schools was observed in Delhi where they primarily had association with Delhi Legal Service Authority. The respondents further showcased that they have also gone for affiliation beyond DLSA. The association and affiliation was also considered for funding and research projects. Many affiliations existed in Delhi with various State/government organisations and also with private organisations like “Increasing Diversity by Increasing Access”(IDIA). However, due to lack of protocol and lack of formalization, Law schools have generally not ventured out to do extensive collaborative projects. The legal aid cells in Delhi have been actively working with Delhi State Legal Service Authority. They have been creating awareness through skits, roadshows, etc,.

Fig. 4.5 Delhi: Year of affiliation of Law School with DSLSA

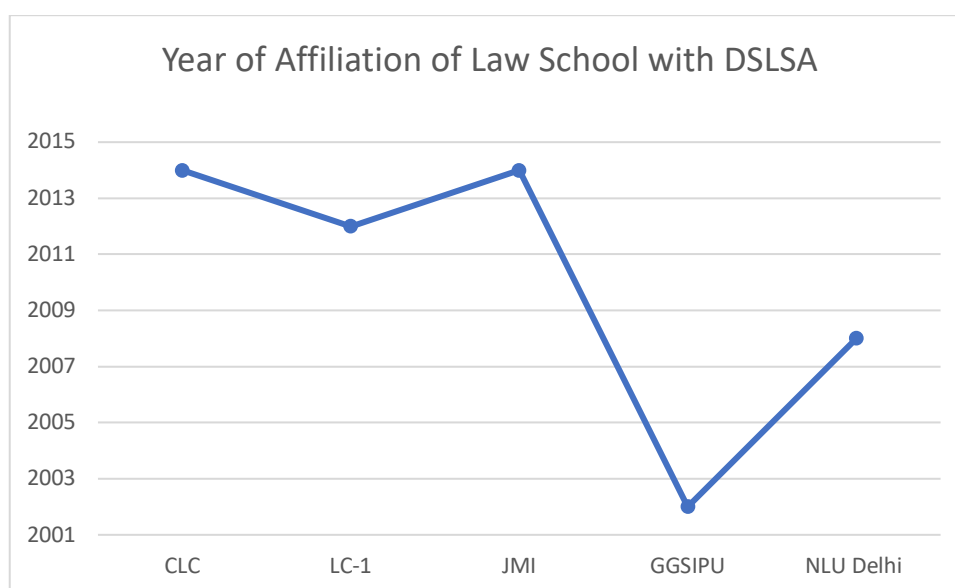
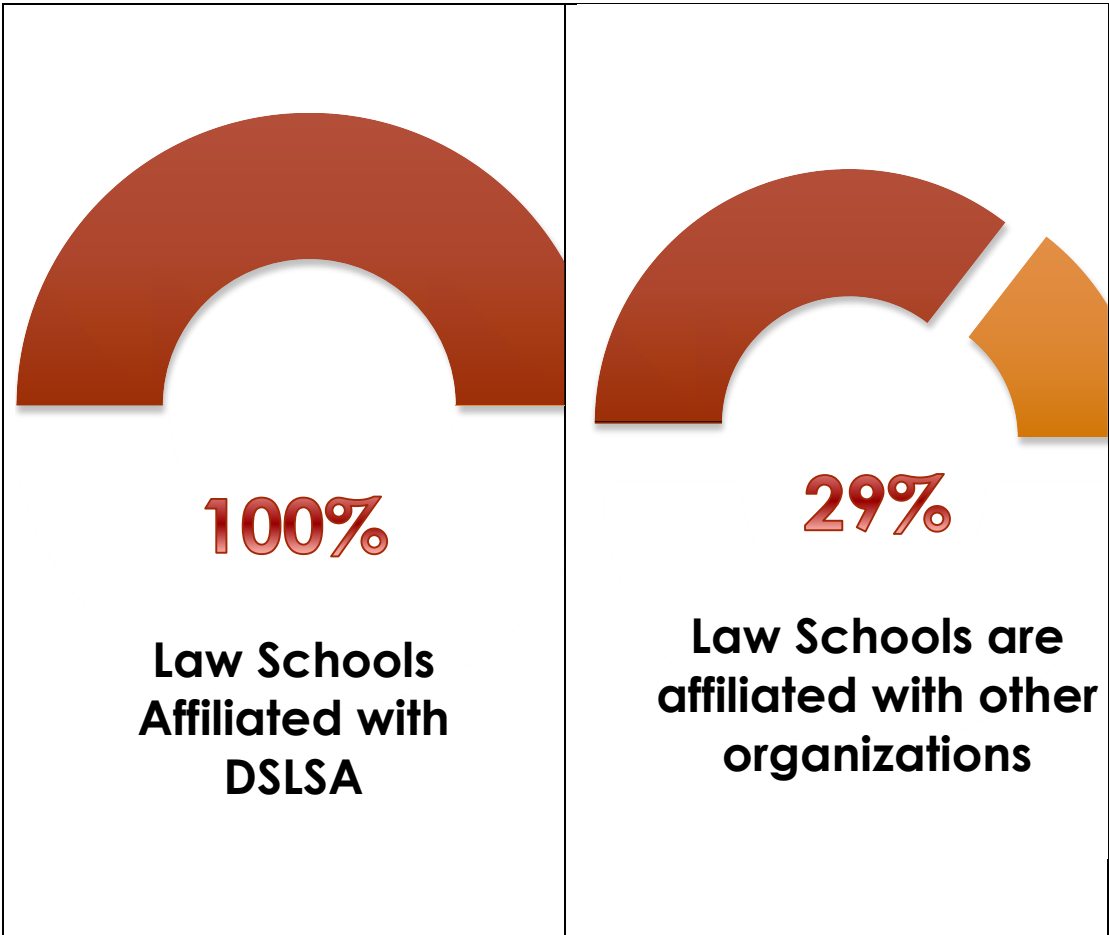


Fig. 4.6 Delhi: Percentage of affiliation of Law School with DSLSA and other organisations.



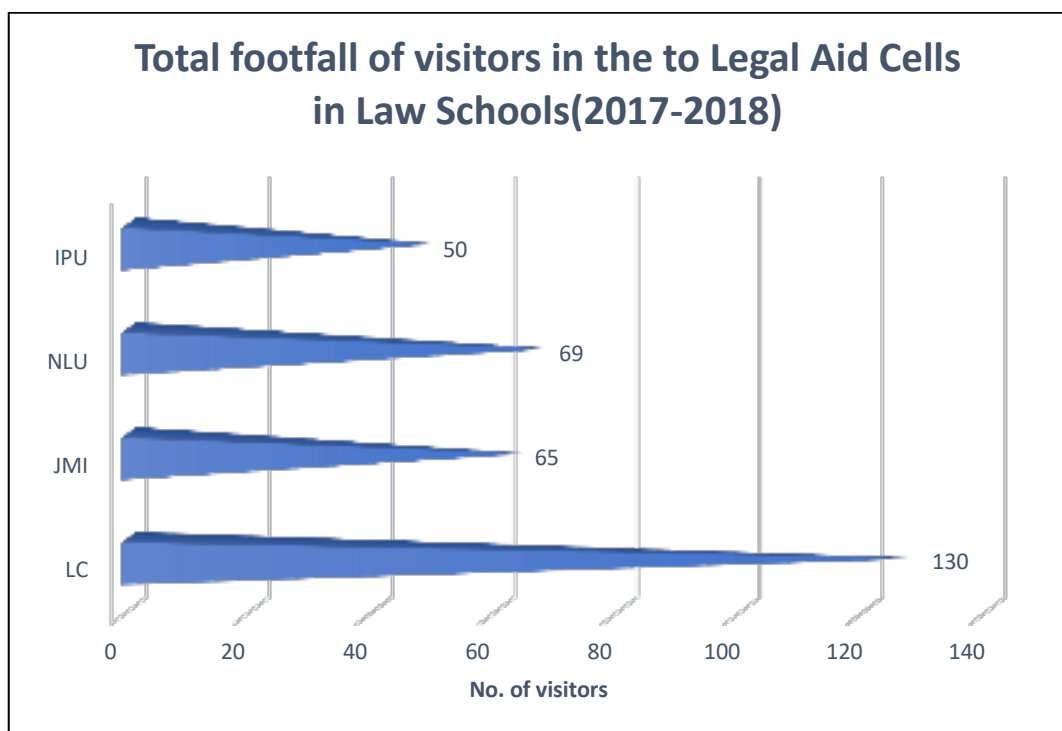
4.1.6 Visitors in the Legal Aid Cell in Law Schools in 2017-2018

The Law Schools in Delhi reflected by the location of their Legal Aid Cells have been trying to establish contact with the society. Awareness campaigns and rigorous advertisement has led to greater footfall of the people in need of legal help in the Legal Aid Cells in some Law Schools. The analysis also shows that established Legal Aid Cells such as NLU Delhi, Law Centre and Jamia have more visitors due to the visibility and awareness that there exist some kind of help in the Legal Aid Cells of these universities. Also, the outreach programmes due to their continuity and constant presence have helped in establishing a

visible visitor base. The number of faculty and student coordinators also differ in all law schools and makes it evident that the composition and strength of student coordinators ensures mobilization and greater involvement in the issues of general public. The sheer volume of student volunteers in Law Centre-I and Campus Law Centre is noteworthy. They also have rotational staff due to the increased participation of students.

Over the years the visitors in the Legal Aid Cell in law schools in Delhi have increased substantially, awareness campaigns and rigorous advertisement undertaken by certain established Law Schools in Delhi like Campus Law Centre, Jamia Milia Islamia have resulted in better access of these Legal Aid Cells to the visitors. In the State of Delhi there are Law Schools like Campus Law Centre and Law Centre -I where sheer volume of student volunteers under the aegis of rotational staff has increased the participation of students. On the other hand, Legal Aid Cell of GGSIPU needs to follow this model and increase its visibility and participation.

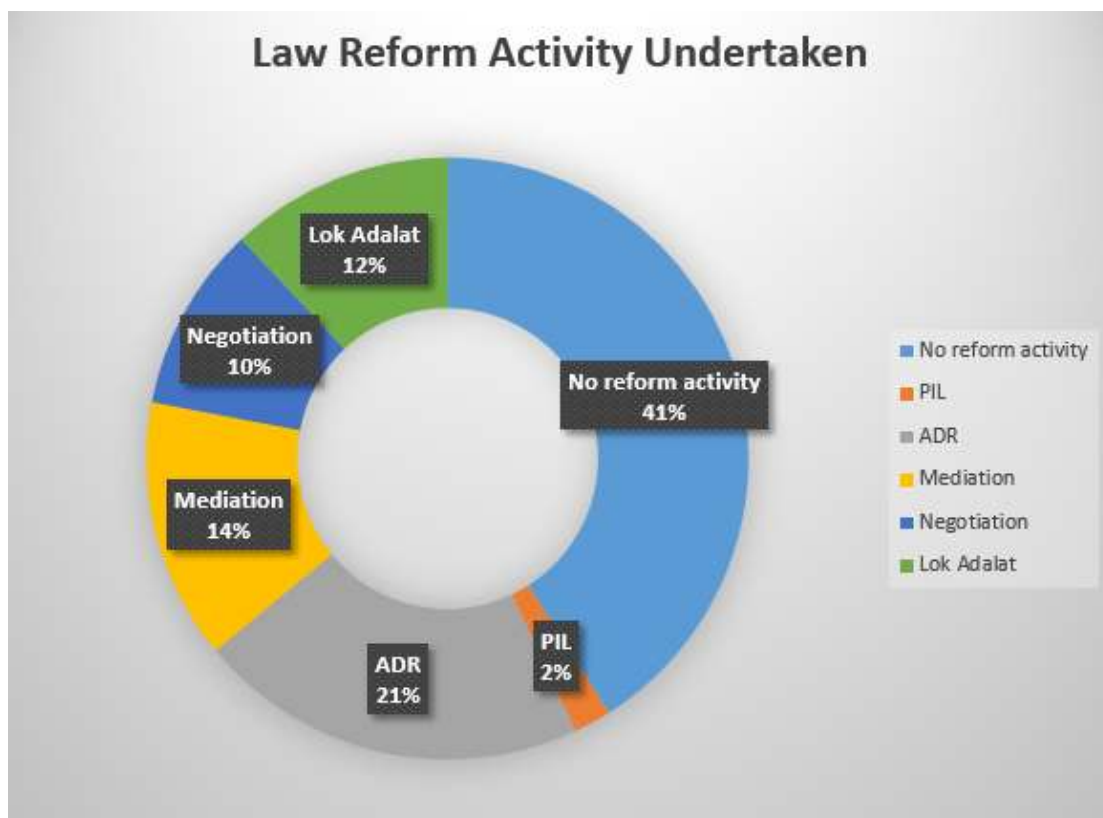
Fig. 4.7 Delhi: Total Visitors of Legal Aid Cells in Law Schools



4.1.7 Law Reform Activity Undertaken by Legal Aid Cells of Law Schools in Delhi:

Majority Law Schools affirmed the understanding that there is no major reform activity undertaken by Legal Aid Cells. However, there are noteworthy achievements of certain law schools. They have promoted the usage of ADR techniques and one of the law schools have also filed Public Interest Litigation. The emphasis of law schools facilitating ADR exercises as part of their initiative also showcases the fact that there is much more aptitude in law schools for instead of conducting mere awareness campaigns. This also depicts the nature of requirements of the citizens at large. The aim of Legal Aid Cells in law schools should not be limited rather the services should be expanded to enable the common man to access justice without any impediments. The reason also stems from the fact that PIL cannot be solution always as the common man needs redressal of land related issues or family or petty crimes related consultation.

Fig. 4.8 Delhi: Law Reform Activity.



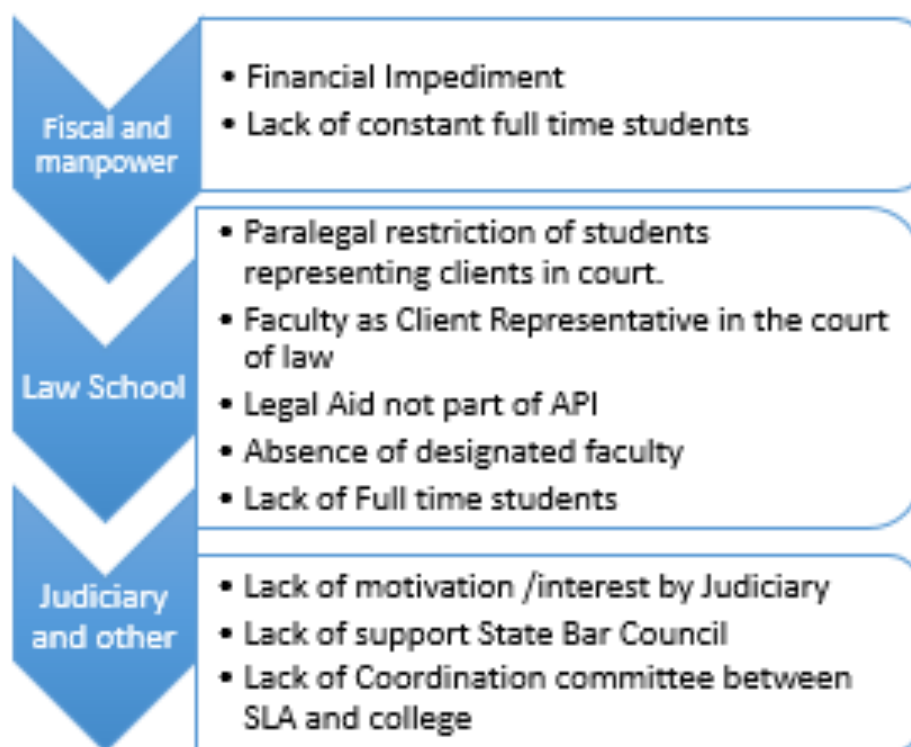
4.1.8 Academic Credit and Faculty Credit

All respondents affirmed the lack of academic credit to the faculty. They further stated that participation by students and faculty was purely voluntary. All the law schools unanimously stated that legal aid was not a compulsory activity. Such voluntary participation was not accorded any academic credit by any of the law schools. This emerged as a bottleneck according to the respondents in the efficient working of the Legal Aid Cell.

4.1.9 Common challenges/issues faced by all law schools

The Research Team through the questionnaire enquired from the respondents about the biggest impediments they faced in interaction with society through their Legal Aid Cells. All the law schools faced uniform problems. Financial limitations and lack of manpower ranked high up in the list. However, the structural changes that require more inclusive working of legal aid cells with giving more power to para legal volunteers or faculty to act as client representative also finds a noteworthy mention.

Fig. 4.9 Delhi: Major Challenges faced by Law School.



Fiscal aid is of utmost importance to all Legal Aid Cells in Law Schools in Delhi. High Cost Index in the Capital affects the functioning of Legal Aid Cells. There is a shortage of funds with Law Schools, as they have their own budgetary constraints. Therefore, no major activities are undertaken. Further, the lack of representative capacity of faculty and students is also seen as a major road block in increasing the participation. This can only be fulfilled when more access is given in terms of empowerment or empanelment of students and faculty in the formal process of adjudication. As there is no formalization of legal aid in the curriculum it acts as an impediment to student's participation. Heavy law school curriculum with legal aid not featuring in a marked evaluation or subject criteria adds to the problem. Voluntary nature of this activity has led to lack of interest and support. Faculty also similarly is disinterested due to the lack of its representation in Academic Performance Index (API) or course credit. They are therefore not fully devoted to this cause. The law schools at large have witnessed lack of support and motivation from the Bar Councils and Judiciary which makes it fall further below in the track.

Table No. 4.2 Delhi: Perception of legal aid coordinators regarding issues faced in providing legal aid

Question/ Legend	1	2	3	4	5	TOTAL
A-Financial condition as an impediment	5	2	5	5	2	19
B-Training and capacity development of faculty	1	1	2	7	8	19
C-Quality related issues with student volunteers	0	0	3	6	10	19
D-Paralegal restriction of students representing clients in court	5	1	7	1	5	19
E-Faculty as client representative in court of law	2	4	8	1	4	19
F-Curriculum/ Coursework restriction or barrier	3	1	4	7	4	19
G-Lack of full time students	0	2	6	6	5	19
H-Lack of support of State Bar Council	2	3	2	3	9	19
I-Lack of motivation/interest by Judiciary	1	4	2	2	10	19
J-Absence of credit points for legal aid for students	9	2	2	2	4	19
K-Absence of designated faculty and executive council	3	1	1	2	12	19
L-Legal aid not part of API	10	2	3	4	0	19
M-Lack of specific road map by Bar Council of India to provide legal aid	0	4	2	7	6	19

N-Lack of digitalisation as hindrance for efficiency	2	4	4	6	3	19
O-Lack of coordination committee between State Legal Aid authorities and respective College	5	0	2	4	8	19

Legend

- 1- Severe Issues
- 2- Identifiable yet non-solvable issues
- 3- Large issues
- 4- Minor issues
- 5- No issues experienced

The coordinator of the law schools rated the issues faced on the scale of 1 to 5. 26 percent respondents felt that financial impediment was the most important issue. Many of them regarded it as a minor issue also. This reflects that law schools have varied opinions. This is due to the fact that some clinics like those in national law school have adequate funding to maintain their Legal Aid Cells. 42 percent respondents clearly opted that experience of faculty was no issue as most of the teachers are trained and able enough to channelize legal aid activity in their law schools. Similarly, 52 percent respondents were satisfied with working of para-legal volunteers. 36 percent respondents felt that restrictions on para-legal volunteers to represent in courts was a major issue. This stance shows that a formal structure is required to channelize volunteers in an effective manner. 42 percent of the respondents suggested that faculty not acting as representative of clients in court is a major impediment since it becomes difficult for a faculty to make it an action driven process instead of mere consultation. 36 percent of the respondents feel that law school curriculum is not a barrier because the respondents treat legal aid activity outside the academic framework as a social activity. 47 percent of respondents stated that State Bar Council cannot provide any help in the matter.

However, there was a common consensus (47 percent) as to providing law students with academic credit for helping in Legal Aid Cell as it acts as a motivation and also helps in mobilizing student volunteers with much more

zeal. Further, 52 percent of the faculty considered it as a major impediment that Academic Performance Index (API) approved by UGC and Ministry of HRD provides no credit for working in Legal Aid activities in Law school.

Table No. 4.3 Delhi: Legal Aid Cell personnel perception of factors that can increase efficiency in providing Legal Aid

Preference/ Legend	1	2	3	4	5	6	7	8	TOTAL
A- Amending Advocates Act Infrastructure	1	0	3	1	2	4	3	5	19
B- Infrastructure	2	11	1	4	1	0	0	0	19
C- Financial Aid	13	0	3	1	1	1	0	0	19
D- Capacity Development of Faculty	0	5	4	2	3	0	5	2	19
E- Frequent Interaction with Bar and Bench	0	1	0	6	1	4	2	4	19
F- Coordination Committee between Legal Aid Cell and State Legal Aid Service Authority	3	0	6	3	2	2	1	2	19
G- Digitisation of communication and rendering legal aid	0	2	2	1	7	2	3	1	19
H- Providing a mandatory criteria for students participation	0	0	0	3	2	6	4	4	19

Legend

1-8 is the order of preference of factors that can increase efficiency in providing Legal Aid.

The respondents ranked Financial Aid, Infrastructure and for a better coordination committee between law schools and State Legal authorities as their primary preferences in order to provide effective legal aid.

Table No. 4.4 Delhi: Perception of legal aid coordinators about factors that can better Access to Justice in providing Legal Aid

Preference/ Legend	1	2	3	4	5	TOTAL
A- Legal Literacy	0	0	0	3	16	19
B- Legal Representation	0	0	2	12	5	19
C- Legal Advice	0	0	1	9	9	19
D- Promoting ADR	0	2	4	9	4	19
E- Use of Digital Resources	0	2	4	7	6	19
F- Para Volunteer and Para Legal Services	0	1	4	4	10	19
G- Public Interest Litigation	1	1	6	7	4	19
H- Law Reforms	2	3	3	8	3	19

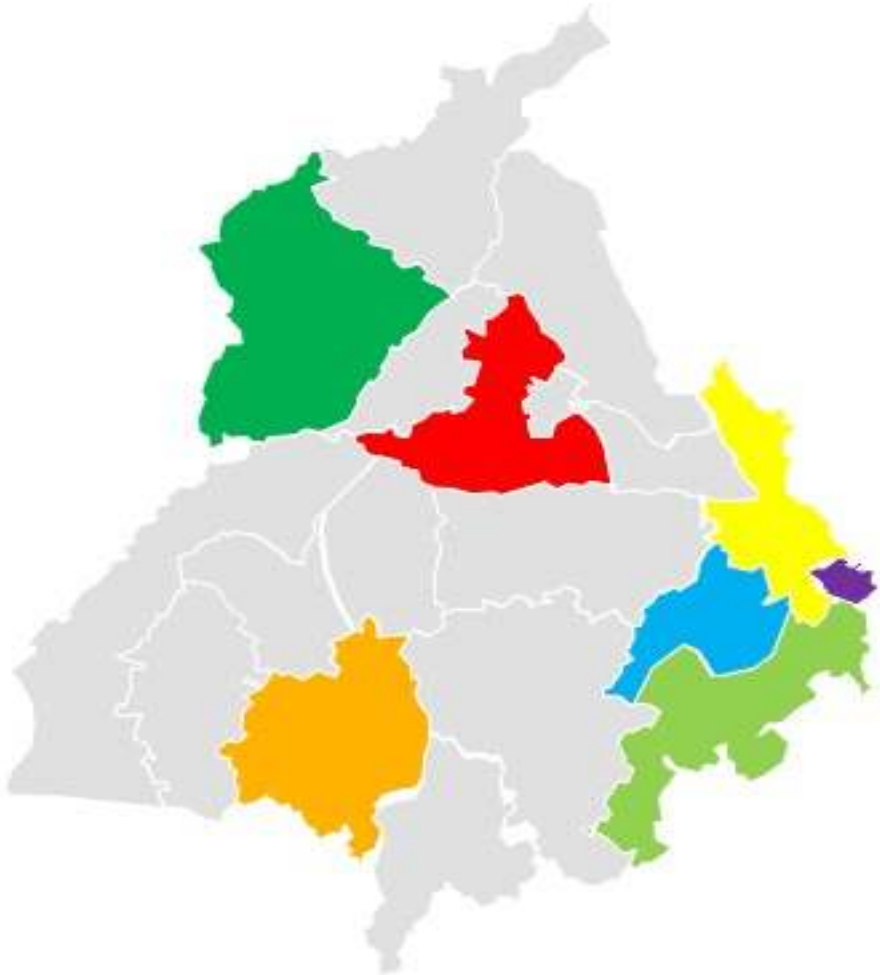
Legend









- 1) No use
- 2) Partial Use
- 3) Yes, but not of substantial use
- 4) Exceptional use
- 5) Great Use

The above analysis show that Legal Literacy and Para Legal training were considered most important use by the Law Schools in increasing Access to Justice by their respective Legal Aid Cells.

Empirical Analysis of Law Schools in Punjab

STATE OF PUNJAB



	KCL Institute of Law
	Lovely Professional University
	Rayat Bahra University
	Army Institute of Law
	University Institute of Legal Studies
	Khalsa College of Law
	Chandigarh University
	Guru Nanak Dev University
	RIMT University
	RGNUL
	GuruKashi University
	Central Law University

4.2 STATE OF PUNJAB

The research committee analysed the State of Punjab for Law schools and Legal Aid Cells in various universities and limited its interaction to 13 law schools i.e., KCL Institute of Law, Lovely Professional University, Rayat Bahra University, Army Institute of Law, University Institute of Legal Studies, Khalsa College of Law, Chandigarh University, Guru Nanak Dev University, RIMT University, RGNUL, GuruKashi University and Central Law University in Punjab.

The research team interacted in Punjab with State Universities, National Law Schools as well as Private Universities. Questionnaire was prepared to gather vital information as to the academic credit, infrastructure, teacher involvement and credit, nature of work etc. In total fifty number of responses were gathered from thirteen Law Schools.

4.2.1 Infrastructure and Structural Compositions

All responses that were collected about functionality of Legal Aid Cells were in affirmative. Further, 99 percent of the respondents affirmed that the Legal Aid Cell was in a separate room while it being in the institutional premises. As regards the structural compositions, 2 percent respondents stated that there was no formal coordinator. 40 percent respondents stated that they had one faculty coordinator. 28 percent respondents stated two coordinators, 6 percent respondents stated three coordinators, 8 percent respondents informed four coordinators, and 16 percent respondents stated 5 coordinators in the law school. This *ex facie* proves that there is ample legal aid volunteer size which is being managed by larger set of teachers. These coordinators are selected via selection process mostly consisting of interview and class participation.

4.2.2 Main work profile/ working characteristics and advertisement of Legal Aid Cells.

The main activity of all law schools in Punjab was also mainly community outreach relying on skits and plays as the main *modus operandi* for dissemination of information. All law schools maintained door to door campaign as the most common protocol for advertisement of the Legal Aid Cells. The Law Schools in Punjab have been proactive in adopting villages around their campus. 12 percent respondents have stated that they have adopted villages. The details are as follows:

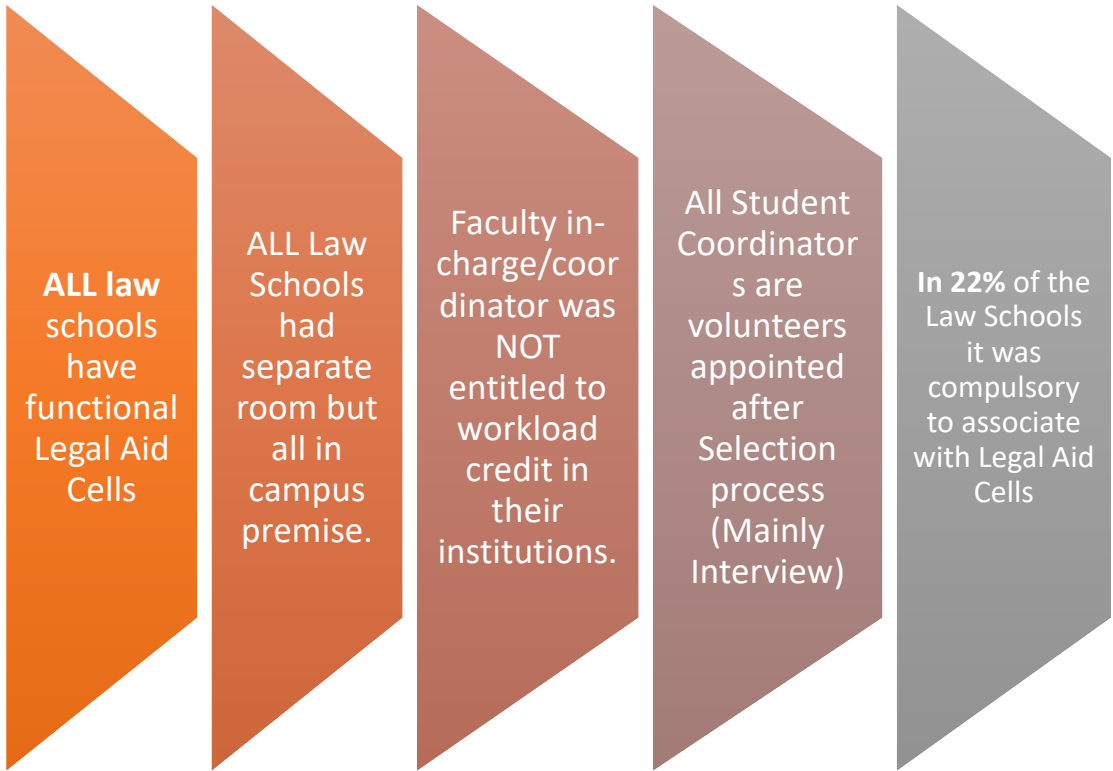
- Department of Law, Punjab University has adopted a village Dhanas in Chandigarh.

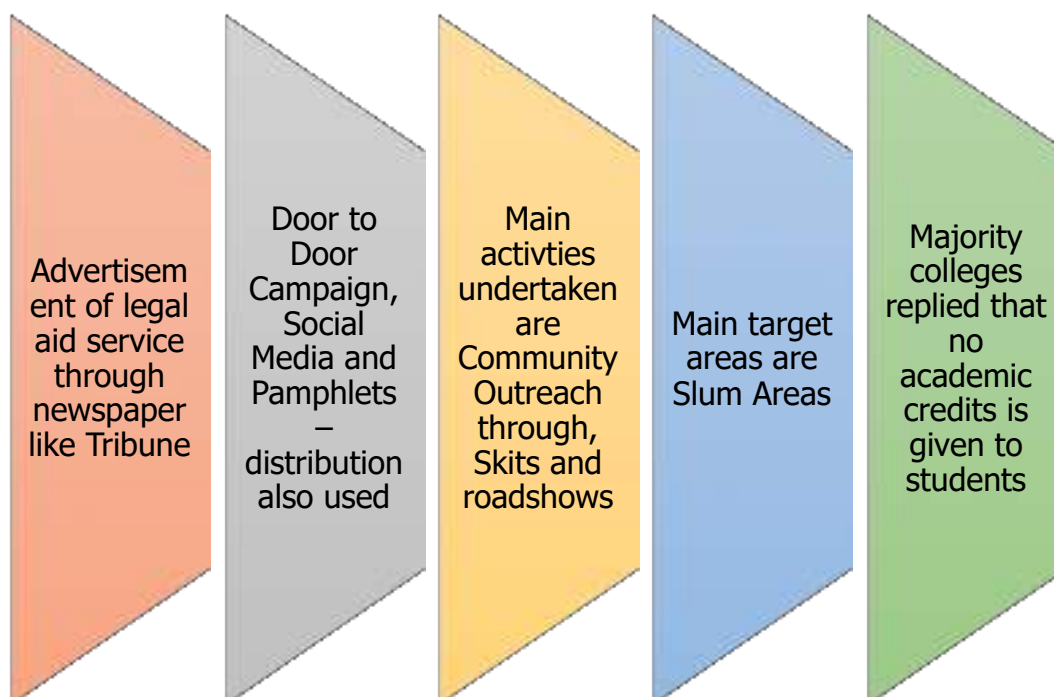
- RayatBahra University, University Institute of Legal Studies, Chandigarh University, Khalsa College of Law and RGNUL have not mentioned the name of the villages they have adopted.

Fig. 4.10 Punjab: Responses of Legal Aid Cells



Fig. 4.11 Punjab: Infrastructure and the characteristics of Legal Aid Cells





4.2.3 Important achievements of Legal Aid Cells in Law Schools of Punjab.

The analysis of the major activities by the Law Schools in Punjab reveals that none of the law schools cutting across National Law Schools, State Universities and Private Universities have gone beyond creating awareness. It also indicates that the main aim of Legal Aid Cells has not been disseminated properly amongst the law schools. The number of working hands available in the form of students has been highly underutilized. Legal Aid Cells should not be only used for creating awareness. The law schools and the law students have the capacity and capability to participate in much better activities. The manpower and knowledge potential available in the law schools has to be utilized with the help of Legal Service Authority, Bar Council of India and Judiciary all working towards providing legal aid to the people rightly in need. Even the private universities in Punjab have not ventured out to do something beyond creating awareness. The discussions with the research team revealed that though there is willingness on part of teachers and students lack of formal procedures provides an impediment.

Fig. 4.12 Punjab: Achievements of Legal Aid Cells

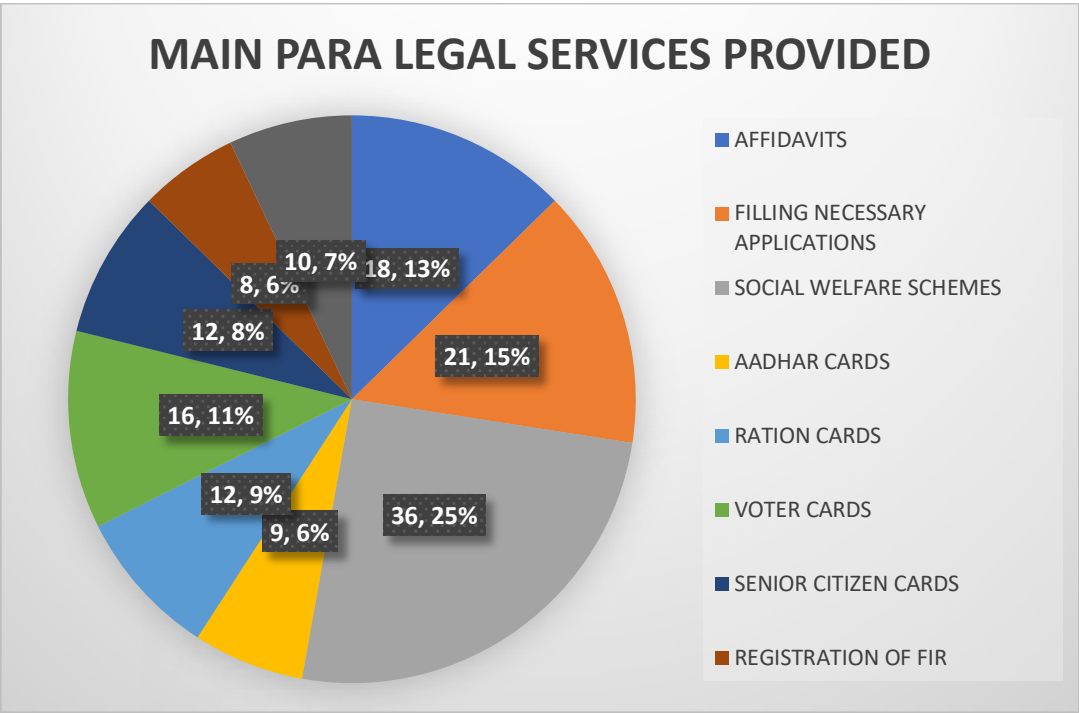




4.2.4 Para Legal Services

Para legal services and activities of para legal volunteers can go a long way to establish an effective legal system in the society. Law Schools in Punjab are engaged in almost all the activities as per the questionnaire. There happens to be 9 activities accounted in for the purpose of responses in the questionnaire. The villagers and citizens of Punjab have taken para legal help mainly in registration of Birth/Death. Government has provided easy access to the citizens to register for birth and death vide government websites and through various districts heads. However, there seems to be a disconnect between the citizens and the governments initiative. The Legal Aid Cells have also helped the general public in filing basic applications with regard to regarding their properties with various authorities. Farmers of Punjab also used the help of para legal volunteers in filing applications of their land use, extensions, renovations etc. The third most common help sought from para legal volunteers was filing of an affidavit for people regarding various uses. The other para legal activities undertaken like enrolment in social welfare schemes, making of senior citizen card etc depict the magnitude of services required by the general public from para legal volunteer.

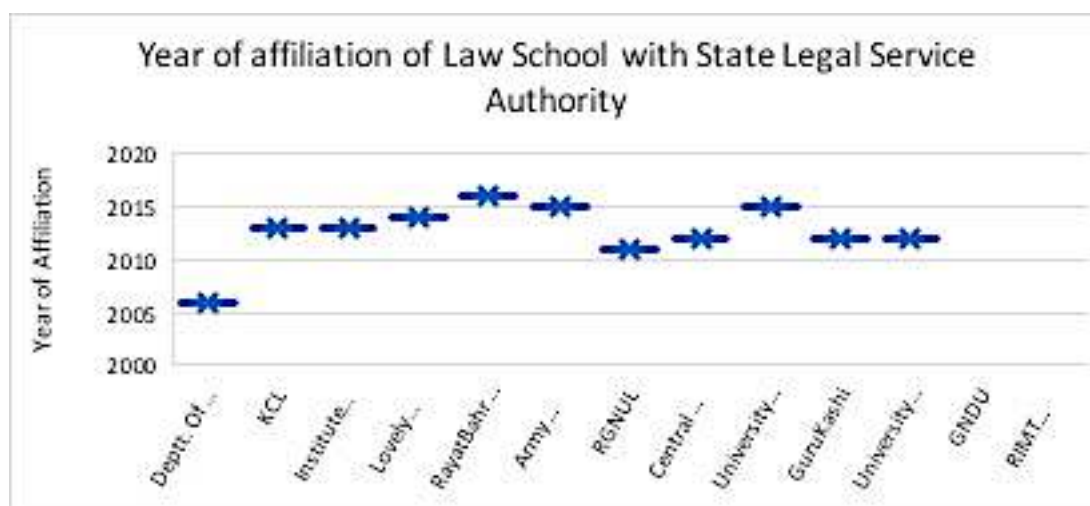
Fig. 4.13 Punjab: Breakup of para legal services



4.2.5 Association and Affiliation of Legal Aid Cells

The traditional model of law schools was observed in Punjab, where they primarily had association with State Legal Service Authority. The responses indicated that they have not gone beyond affiliation with Legal Service Authority. Even the private universities have not ventured to take help from private players even for the funding of their research projects. It was gathered from interaction that there exists confusion about protocol and also the limit to which the private agency could be involved. Lack of formal rules seem to add to this confusion.

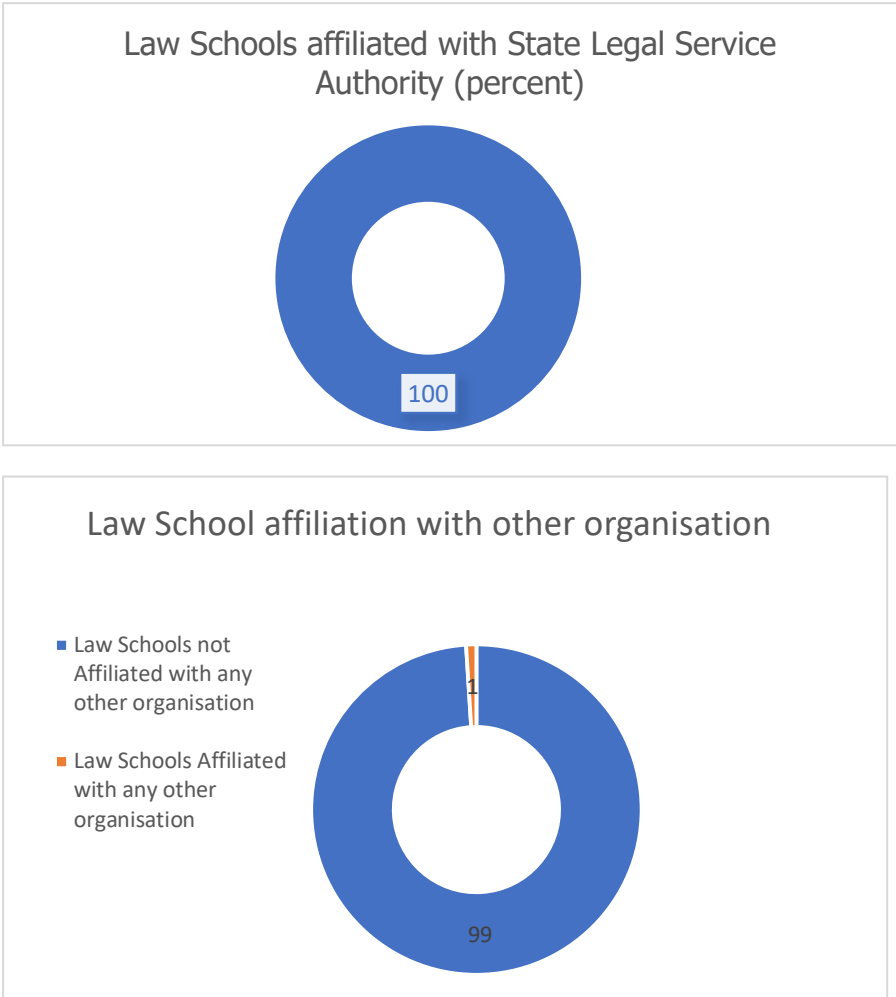
Fig. 4.14 Punjab: Year of affiliation of Law School with State Legal Service Authority



As reflected from the above graphical representation there has been long association of the law schools with the Legal Service Authority. GNDU & RIMT have not mentioned their year of association though they are long established faculty of law. This long association has not achieved desired results. 80 percent of the Law Schools have not been able to even reach out to marginalized section in the society. The concept of adoption of village has not taken roots. Adoption of a village reflects close interaction between the law school students, teachers and the public at large. No such interaction exists in Delhi as well as in Punjab. It makes it evident that the Legal Aid Cells are not reaching the general masses.

This also is a reflection that the State Legal Service Authority has to proactively involve themselves with the law schools to achieve desired results.

Fig. 4.15 Punjab: Percentage of affiliation of Law Schools with State Legal Service Authority and other organizations

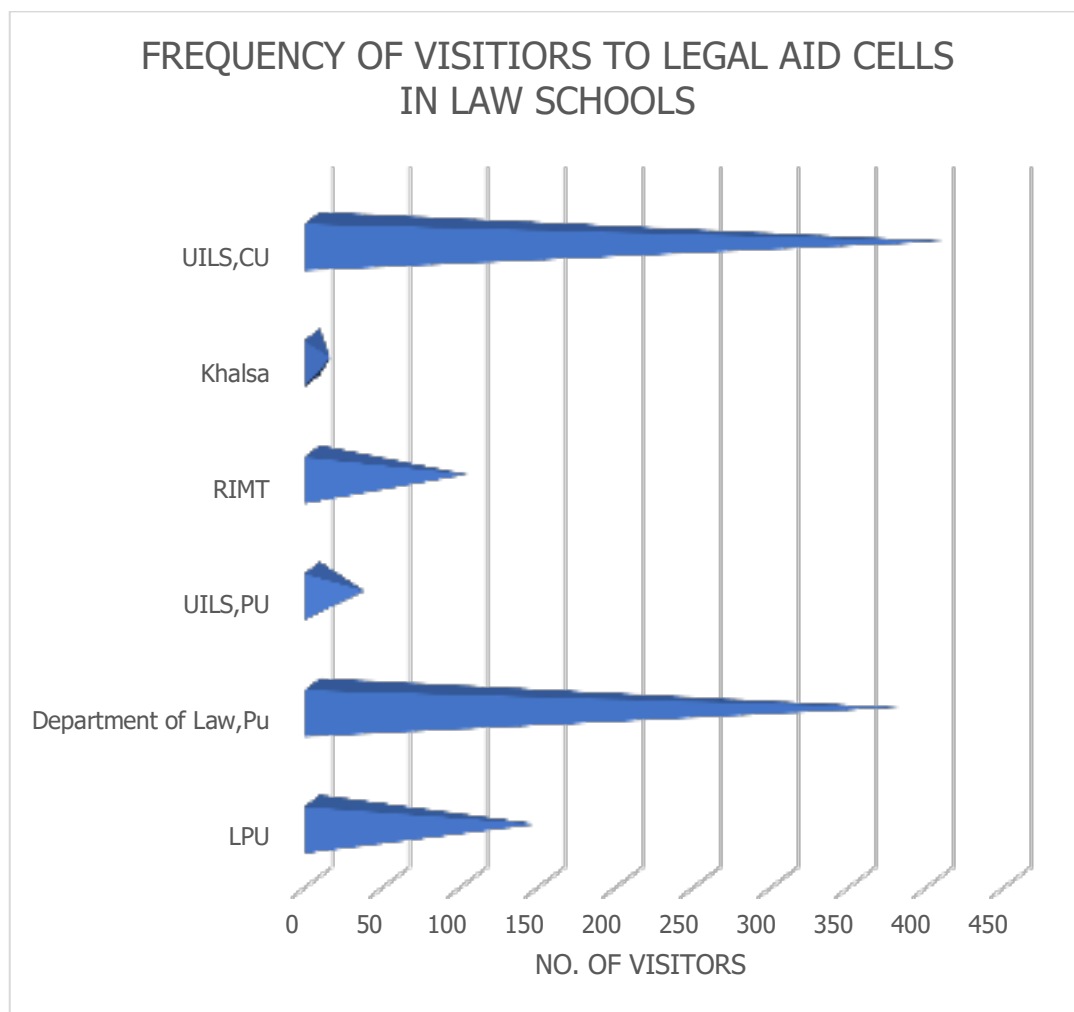


4.2.6 Visitors in the Legal Aid Centre in Law Schools in 2017-2018

Analysis of the data reflects that rigorous advertisements in newspapers like Tribune has spread awareness about Legal Aid Cells and camps set up by the law schools. The analysis also shows that established Legal Aid Cells as UILS and Department of Law, Punjab University have more visitors due to the visibility of Legal Aid Cell. The location of the Legal Aid Cell plays an important role in creating confidence in general public about reaching out to the Legal Aid

Cell. UILS, Department of Law and Lovely Professional University have had higher interaction with general public due to the placement of Legal Aid Cell amidst the reach of the population.

Fig. 4.16 Punjab: Percentage of affiliation of Law Schools with State Legal Service Authority and other organizations



4.2.7 Law Reform Activity Undertaken by Law Schools of Punjab:

The Legal Aid Cells in the law schools have just laid emphasis on facilitating ADR exercises as part of their initiative. 73 percent Legal Aid Cells have engaged themselves in ADR related activity. This also depicts the requirement of civil society. The graph below is a visual representation of providing Alternative Dispute Resolution.

Fig. 4.17 Punjab: Law reform activity

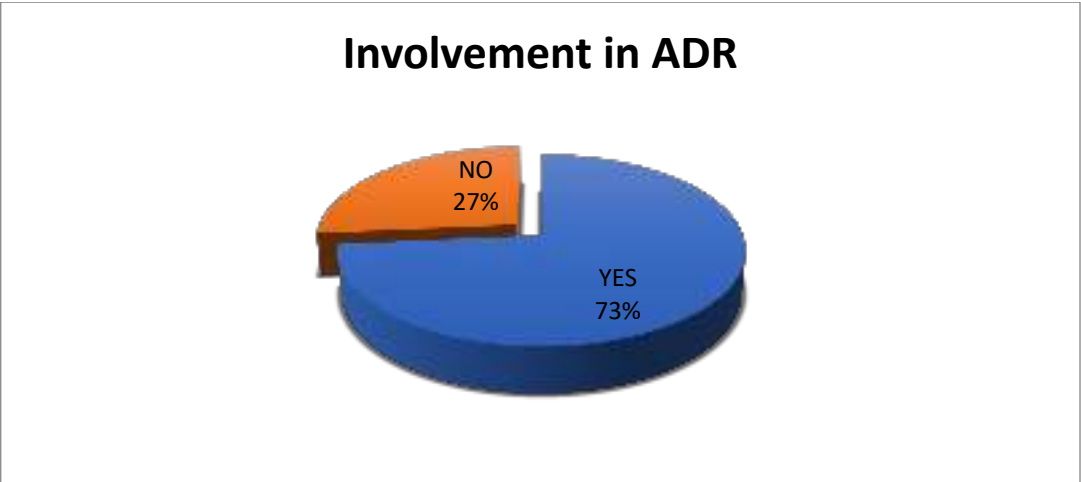
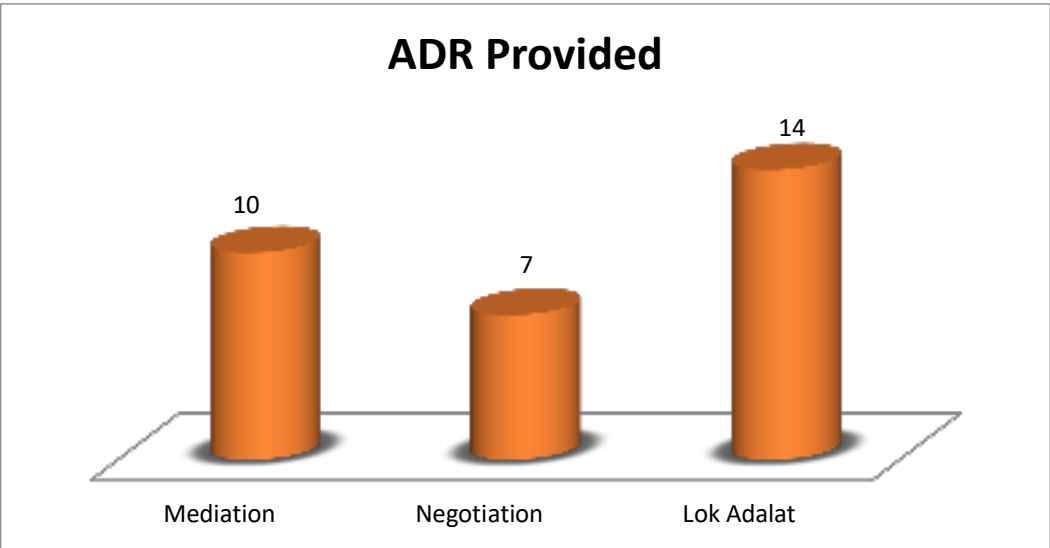


Fig. 4.18 Punjab: Type of alternative resolution provided



4.2.8 Academic Credit and Faculty Credit.

31 respondents were affirmative regarding lack of academic credit to the faculty. Though all law schools have student coordinators 78 percent of Law schools stated that legal aid is not a compulsory activity. Further, 22 percent stated law school that they informally gave evaluative credit to students for voluntary participation and also provided incentive through indirect method. This was mainly found in Legal Aid Cells of private universities. Through the interaction with the faculty and students of law schools run by private universities the research team gathered that privately funded law schools were

in a better position than state funded universities. Discussion with their faculty coordinators revealed formalizing Legal Aid Cells in the curriculum would be a great incentive and public would benefit at large.

4.2.9 Common challenges/issues faced by all law schools in Punjab:

As in Delhi the major impediment highlighted by the respondent in Punjab is also financial impediment. The respondents also felt that lack of fulltime students and lack of support by State Bar Council is also another important impediment. The requirement of people in Punjab for drafting and filing applications in "Gurumukhi" the native language, clearly reflects a communication problem.

This problem is primarily solved with well conversant students and faculty who are able to bridge the gap between the illiteracy rate and the formal procedure of the court. Law schools have endeavoured to help the citizen with legal aid services, however, a little support to overcome obstacles can give renewed zeal and enthusiasm to students and faculty at large.

Table No. 4.5 Punjab: perception of legal aid coordinators about issues faced in providing Legal Aid

Question/ Legend	1	2	3	4	5	TOTAL
A-Financial condition as an impediment	18	4	11	5	11	49
B-Training and capacity development of faculty	2	1	6	24	17	49
C-Quality related issues with student volunteers	0	0	6	31	12	49
D-Paralegal restriction of students representing clients in court	16	2	13	7	11	49

E-Faculty as client representative in court of law	13	3	8	12	11	47
F-Curriculum/ Coursework restriction or barrier	7	9	2	12	19	49
G-Lack of full time students	4	5	9	3	28	49
H-Lack of support of State Bar Council	2	10	2	16	19	49
I-Lack of motivation/interest by Judiciary	4	2	0	18	25	49
J-Absence of credit points for legal aid for students	11	11	13	3	11	49
K-Absence of designated faculty and executive council	1	1	12	8	27	49
L-Legal aid not part of API	19	2	17	3	8	49
M-Lack of specific road map by Bar Council of India to provide legal aid	3	4	8	14	17	46
N-Lack of digitalisation as hindrance for efficiency	3	7	23	2	14	49
O-Lack of coordination committee between State Legal Aid authorities and respective College	0	0	14	11	23	48

Legend

- 1- Severe Issues
- 2- Identifiable yet non-solvable issues
- 3- Large issues
- 4- Minor issues
- 5- No issues experienced

The above table indicates that the respondents observed financial impediment (37 percent) and legal aid activities not being part of API of teachers (39 percent) to be the most severe issue that pose problems in functioning. Training of teachers (49 percent) and students (63 percent) was considered one of the issues where the Law Schools faced no problem at all.

Further, the respondents conveyed a perception that judicial interest (51 per cent), Bar Council (37 percent) efforts and coordination between Law School and Legal Aid Authority (48 per cent) were issues which had the least role to play. Another important analysis that emerged was lack of digitalization (55 per cent) was largely an issue faced by the respondents. The respondents conveyed that use of technology would make Legal Aid Cells more effective.

Table No. 4.6 Punjab: Perception of legal aid coordinators on factors that can increase efficiency in providing Legal Aid

Preference/Legend	1	2	3	4	5	6	7	8	TOTAL
A- Amending Advocates Act Infrastructure	1	0	2	2	4	10	15	15	49
B- Infrastructure	4	16	2	10	3	3	10	1	49
C- Financial Aid	24	6	1	6	11	0	0	1	49
D- Capacity Development of Faculty	1	2	5	3	5	12	9	12	49
E- Frequent Interaction with Bar and Bench	8	2	8	3	15	5	5	3	49
F- Coordination Committee between Legal Aid Cell and State Legal Aid Service Authority	7	10	12	5	4	5	4	2	49
G- Digitisation of communication and rendering legal aid	4	2	10	7	6	11	4	5	49
H- Providing a mandatory criteria for students participation	0	11	9	13	1	3	2	10	49

Legend

1-8 is the order of preference of factors that can increase efficiency in providing Legal Aid.

The above table indicates that the perception in the law schools regarding factors that play the most important role in increasing efficiency of Legal Aid Cell is as follows:

- 1) Financial Aid-(49 percent)
- 2) Infrastructure- (33 percent)
- 3) Coordination Committee between Legal Aid Cell and State Legal Service Authority-(24 percent)
- 4) Providing a mandatory criterion for student's participation-(26.5 percent)

Table No. 4.7 Punjab: Factors that can better Access to Justice in providing Legal Aid by Law School

Preference/Legend	1	2	3	4	5	TOTAL
A- Legal literacy	1	5	2	1	40	49
B- Legal Representation	0	2	1	14	32	49
C- Legal Advice	0	2	9	11	27	49
D- Promoting ADR	0	3	5	15	26	49
E- Use of Digital Resources	0	3	13	18	15	49
F- Para Volunteer and Para Legal Services	0	2	3	10	34	49
G- Public Interest Litigation	7	1	4	23	14	49
H- Law Reforms	5	5	4	9	26	49

Legend

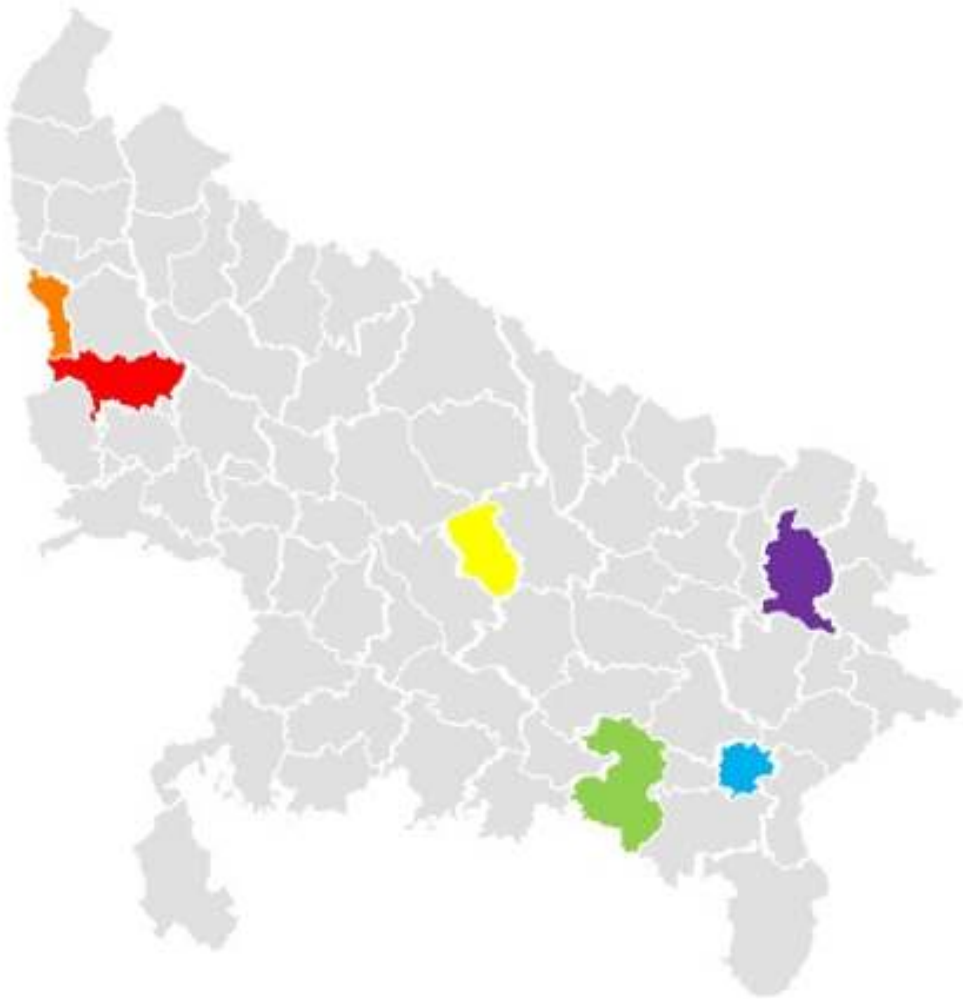
- 1) No use
- 2) Partial Use
- 3) Yes, but not of substantial use
- 4) Exceptional use
- 5) Great Use

The analysis of the above table points out that digitization and Public Interest Litigation (PIL) were considered as of exceptional use for improving

access to justice by the Law Schools. Further, Legal Literacy, Legal Advice and Alternative Dispute Resolution were considered other important areas where law school work force can be used.

EMPIRICAL ANALYSIS OF LAW
SCHOOLS OF UTTAR PRADESH

LAW SCHOOLS IN UTTAR PRADESH











(Map not to scale)

Faculty of Law, MGKVP, Varanasi

Faculty of Law, BHU, Varanasi

Faculty of Law, University of Allahabad, Allahabad

-  Ram Manohar Lohiya National Law University, Lucknow
-  Maa Vaishno Devi Educational Law College, Lucknow
-  Faculty of Law, University of Lucknow
-  Integrated University, Lucknow
-  Galgotia University, Gautam Budh Nagar
-  Amity University, Gautam Budh Nagar
-  School of Law and Governance, Gautam Budh University – GBN
-  Faculty of Law, AMU –Aligarh

4.3 STATE OF UTTAR PRADESH

The project committee collected data from 13 law schools across 6 districts from the State of Uttar Pradesh. Total number of 34 responses were gathered from 13 Law schools namely Faculty of Law, Mahatma Gandhi Kashi Vidyapith (Varanasi), Faculty of Law Varanasi (BHU), Faculty of Law, University of Allahabad (Allahabad), Ram Manohar Lohiya National Law University(Lucknow), Maa Vaishno Devi Educational Law College (Lucknow), University of Lucknow (Lucknow), Integrated University (Lucknow), Galgotia University (Gautam Budh Nagar), Amity University (Gautam Budh Nagar), School of Law and Governance Gautam Budh University(Gautam Budh Nagar) and Aligarh Muslim University (Aligarh).

4.3.1 Infrastructure and Structural Compositions

All responses confirmed the functionality of Legal Aid Cell in a separate room in institutional premises. There is a large variation in the responses collected from law schools in the State of Uttar Pradesh. Regarding the number of faculty coordinators, the number varied from 1-12. Different responses from the same law school yielded different results as to number of faculty involved in the Legal Aid Cell. Responses from Galgotia University about the number of

faculty coordinators varied from 2-10. Responses from Amity University claimed 2-4 coordinators. This reflects that the respondents were not fully aware and not clear about the structural composition of the Legal Aid Cell. The State Universities like Faculty of Law, BHU and Faculty of Law, AMU were more clear about their structural composition. The National Law School (RMNLU) also claimed to have 7 faculty coordinators in their Legal Aid Cell. Similar variation was also observed in involvement of student coordinator which varied from 1-60. Renowned and established law schools of the State also reflected very poor student participation.

4.3.2 Main work profile/working Characteristics and advertisement of Legal Aid Cell

In the State of Uttar Pradesh, there was less use of social media to disseminate information. Local newspaper like Dainik Jagran and Amar Ujala were used to advertise Legal Aid Cell. The main activity of all law schools in the State was to target villages and the marginalised section of the society. Adoption of villages by the Legal Aid Cell was found in the State. Ram Manohar Lohia National Law University has taken lead to adopt village Behta(Bheta) and Banthra since 2015. Two Centres of University of Lucknow have adopted villages Aurangabad(2014) and Katwara(2002). Aligarh Muslim University has claimed to have adopted 5 villages. Galgotia University informed the research team that they were in the process of adopting village Dankaur (in district Gautam Budh Nagar since 2017). Amity University has adopted 4 villages in NOIDA namely Rasoolpur, Bahadurgarh, Samalka & Chittor since 2017. AMU has adopted 5 villages of the district Koil & Jawan Taluka since 2002. St. Andrews College, Lucknow has adopted Shiekhpora Village since 2015.

4.3.3 Important achievements of the Legal Aid Cell in Uttar Pradesh

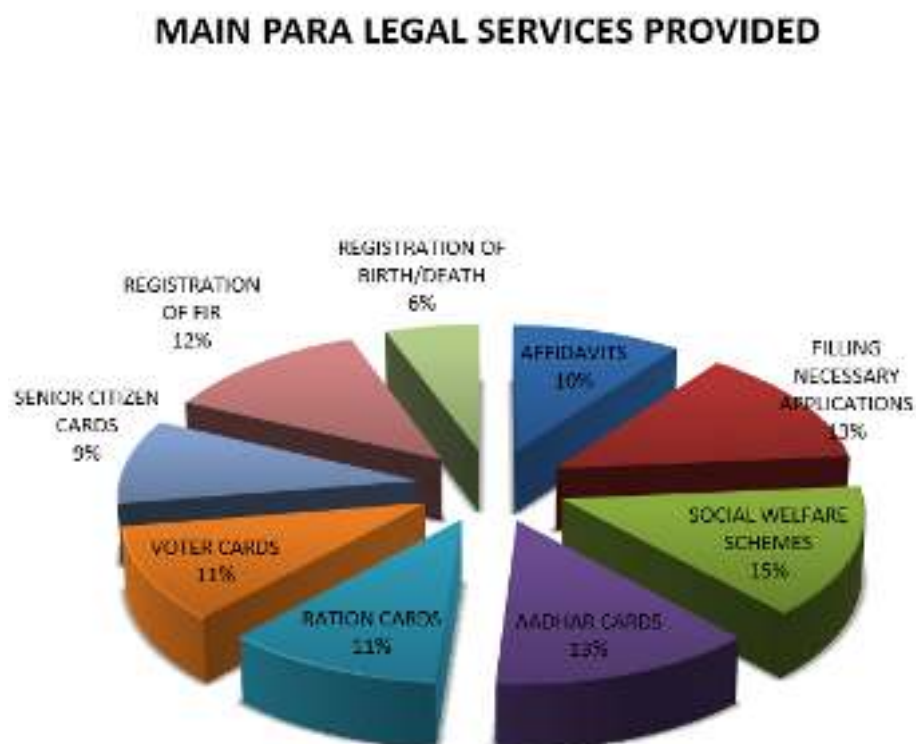
Fig. 4.19 UTTAR PRADESH: Achievements of Legal Aid Cell

Faculty of Law, BHU	<ul style="list-style-type: none"> • PIL in Allahabad High Court, State level workshop on University based Legal Aid Ethics
RMLNLU	<ul style="list-style-type: none"> • Provided assistance for accidental claim to widow. They are also pursuing claim through Indian Embassy in Riyadh.
MaaVaishno Devi Educational Law College	<ul style="list-style-type: none"> • Working towards spreading awareness regarding domestic violence.
Faculty of Law, University of Lucknow, Lucknow	<ul style="list-style-type: none"> • Advised on family disputes and helped road side vendors.
Galgotiya University	<ul style="list-style-type: none"> • Conducting RTI workshop and survey, getting bails for jail inmates.
Amity University	<ul style="list-style-type: none"> • Will registration for senior citizens, establishment of Samadhan Kendra in NCR
GautamBudh University	<ul style="list-style-type: none"> • Organised 4 day legal awareness camp.
Integrated University	<ul style="list-style-type: none"> • Organised 2 legal awareness camps in Dasauli village and Rasulpur Sedat village
AMU	<ul style="list-style-type: none"> • Organised literacy camps in 5 districts for women empowerment.
St. Andrews College	<ul style="list-style-type: none"> • Made efforts and succsesfully shutdown a liquor Bhatti

4.3.4 Para Legal Services provided by Law Schools in Uttar Pradesh

The Law Schools in Uttar Pradesh have been providing diverse services to the society at large. Sheer magnitude of the State and the diversity is reflected in the variety of Para Legal Services provided which are reflected below in the diagram. On the other side it also reflects the needs and requirements of the society and that the law schools are not being used in their complete magnitude to help the society at large. Universities like AMU and Lucknow University are working informally with many organisations and going beyond the mundane day to day activities like spreading awareness. Such examples are very limited across all 4 States.

Fig. 4.20 UTTAR PRADESH: Main para legal services



4.3.5 Association and Affiliation of Legal Aid Cell

Almost all law schools in State of Uttar Pradesh have affiliation with their District Legal Service Authority. The responses reflected that some law schools have association with Women Study Centres and District Probation Office also. Aligarh Muslim University is coordinating with Centre for Distance Adult

Education to organise Women and Child empowerment programs since 2002. The research committee felt that the Legal Aid Cell of law schools were making good efforts to reach out to general masses though all this was on an informal level. There is lot of scope in these law schools to venture out to do extensive collaborative projects if there is some laid out standard operating procedure. Traditionally, Law Schools have had affiliation with their local Legal Service Authority. The traditional model of law schools was observed in Uttar Pradesh where they primarily had association with District Legal Service Authority. The respondents further showcased that they have also gone for affiliation beyond DLSA. Faculty of Law BHU, Faculty of Law MGKVP, RMNLU and Galgotia University all have tie up with SLSA. The association and affiliation was also considered for funding and research projects. Faculty of Law, BHU has tie-up with Woman Study Centre on a formal and periodical basis and also with District Probation Office, Varanasi since 2017. Faculty of Law, AMU has tie-up with Centre for Distance Adult Education which organises women and child empowerment programmes since 2002. However, either due to lack of protocol for applying or lack of formalization, Law schools have generally not ventured out to do an extensive collaborative project.

Fig. 4.21 UTTAR PRADESH: Affiliation with SLSA and other organisations

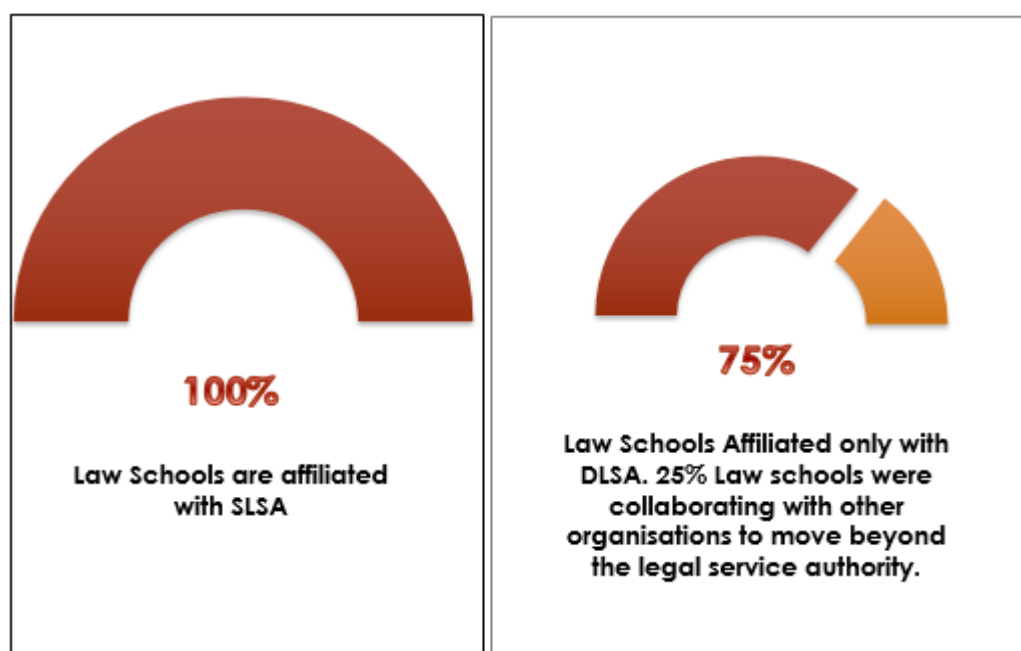
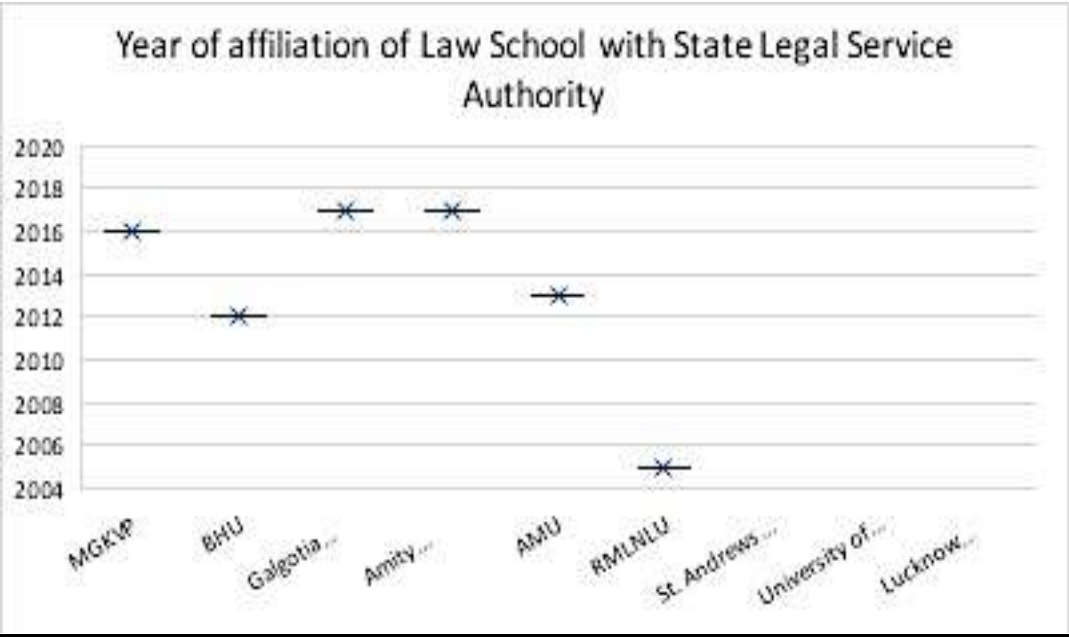


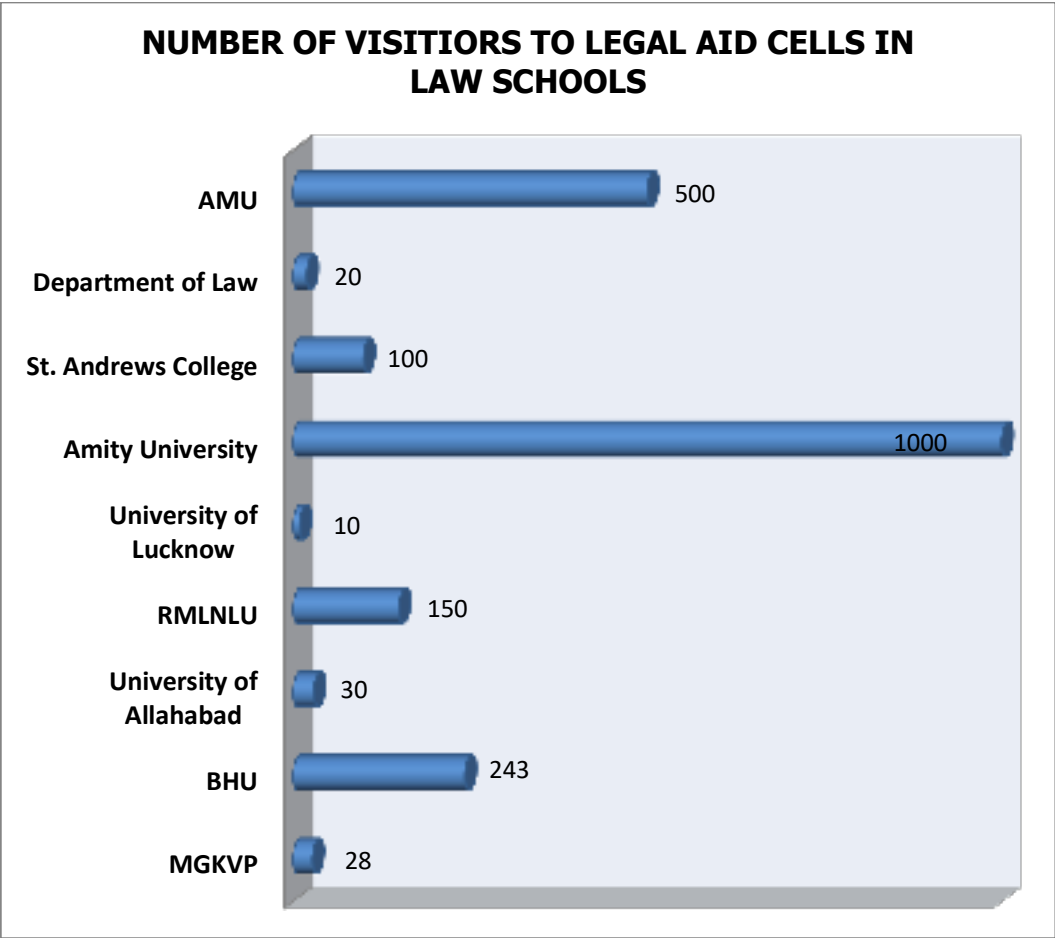
Fig. 4.22 UTTAR PRADESH: Year of Affiliation with SLSA



4.3.6 Visitors in the Legal Aid Cell in Law Schools in 2017-2018

There was an interesting observation in the State of Uttar Pradesh, Private Universities like Amity University and Galgotia University witnessed high footfall. The location of Amity University worked in its favour and they were able to make their presence felt. The State Universities, though old and prestigious were working only informally and they were using the efforts of the volunteers. Aligarh Muslim University has been working towards spread of education but the results were far less than the private universities. Established law schools followed by location of the Legal Aid Cell have been depicted by the total footfall of visitors. The diagram below reflects the number of visitors to the Legal Aid Cell.

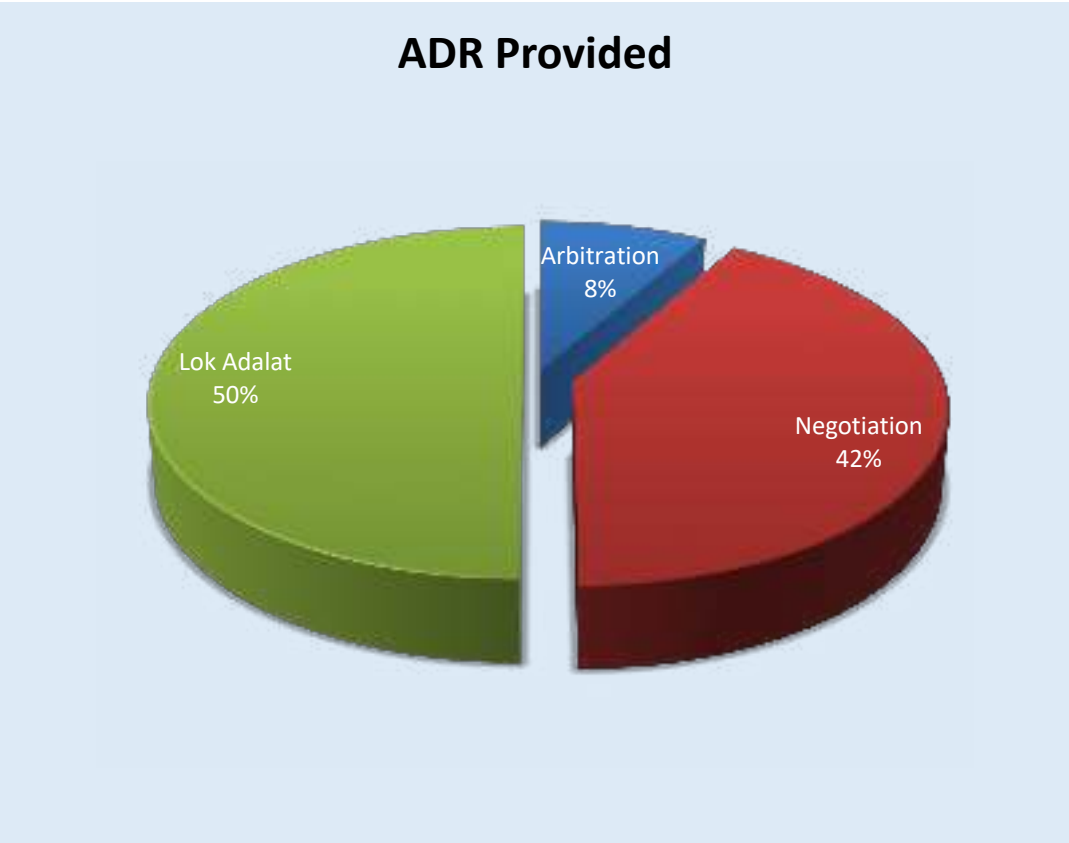
Fig. 4.23 UTTAR PRADESH: Number of visitors in Legal Aid Cell in law school of UTTAR PRADESH



4.3.7 Law Reform Activity Undertaken by Law Schools of Uttar Pradesh:

Majority Law Schools affirmed the understanding that there is no reform activity taking place. In fact only 6 responses, all of which are from BHU said of doing activities in Law Reforms. However, some noteworthy achievements are in the usage of ADR techniques and filing of PIL by BHU. Though they do not fall in the category of reforms but can be taken as steps towards working for reforms. The emphasis of Law Schools facilitating ADR exercises as part of their initiative also showcases the fact that there is much scope to use law school workforce. The following graph is a visual representation of the data on law reforms undertaken by law school.

Fig. 4.24 UTTAR PRADESH: Kind of alternative resolution provided



4.3.8 Academic Credit and Faculty Credit

Though few respondents affirmed that academic credit was given to faculty but they could not clarify and there was no consensus on kind and number of credit to be allotted. Private Universities claimed to give varying credit from case to case basis. This points out, to an urgent need for a formalised system to provide credit to faculty working to provide legal assistance to the needy. 20 respondents across different law schools felt that legal aid should be a compulsory activity and legal aid should have formal evaluative credit.

4.3.9 Common challenges faced by all law schools in Uttar Pradesh:

The questionnaire then enquired the respondents as to the biggest impediments and short comings which they faced in establishing their Legal Aid Cell. The majority of the law schools faced uniform problems at large where financial limitations and manpower are the ones which ranked up high in the

list. However, the structural changes that require more inclusive working of legal aid cells with giving more power to para legal volunteers or faculty to act as client representative also finds its noteworthy mention.

Table No. 4.8 Uttar Pradesh: Factors that can increase efficiency in providing Legal Aid by Law Schools.

Preference	1	2	3	4	5	6	7	8	TOTAL
A- Amending Advocates Act Infrastructure	1	1	0	4	3	7	4	11	31
B- Infrastructure	6	8	4	2	9	3	0	0	32
C- Financial Aid	14	7	3	4	1	0	2	1	32
D- Capacity Development of Faculty	2	4	6	2	6	4	4	3	31
E- Frequent Interaction with Bar and Bench	1	4	5	4	3	7	8	0	32
F- Coordination Committee between Legal Aid Cell and State Legal Aid Service Authority	6	5	10	2	2	2	4	1	32
G- Digitisation of communication and rendering legal aid	3	1	1	7	4	3	6	7	32
H- Providing a mandatory criteria for students participation	4	2	2	7	5	5	1	6	32

Legend

1-8 is the order of preference of factors that can increase efficiency in providing Legal Aid.

The Law Schools perceive the following factors to play the most important role in increasing efficiency of Legal Aid Cell.

1. Financial Aid(44 percent)
2. Infrastructure(25 percent)
3. Coordination Committee between Legal Aid Cell and State Legal Aid Service Authority (31 percent)
4. Digitisation of communication and rendering legal aid and Providing a mandatory criteria for students participation(22 percent)

Table No. 4.9 Uttar Pradesh: Major issues faced in providing Legal Aid by Law School

Question	1	2	3	4	5	TOTAL
Financial condition as an impediment	13	6	3	5	5	32
B-Training and capacity development of faculty	4	3	6	11	8	32
C-Quality related issues with student volunteers	0	3	7	11	10	31
D-Paralegal restriction of students representing clients in court	7	3	13	5	4	32
E-Faculty as client representative in court of law	3	10	11	3	5	32
F-Curriculum/ Coursework restriction or barrier	7	3	11	4	6	31
G-Lack of full-time students	1	2	10	8	10	31
H-Lack of support of State Bar Council	6	2	10	4	9	31
I-Lack of motivation/interest by Judiciary	12	1	8	4	7	32
J-Absence of credit points for legal aid for students	11	0	5	9	6	31
K-Absence of designated faculty and executive council	5	1	5	3	16	30
L-Legal aid not part of API	12	2	9	4	4	31
M-Lack of specific road map by Bar Council of India to provide legal aid	7	2	8	1	13	31
N-Lack of digitalisation as hindrance for efficiency	8	5	4	7	7	31
O-Lack of coordination committee between State Legal Aid authorities and respective college	4	6	6	6	9	31

Legend

- 1- Severe Issues
- 2- Identifiable yet non-solvable issues
- 3- Large issues
- 4- Minor issues
- 5- no issues experienced

Financial impediment (41 percent) and Legal Aid activities not being counted in Academic Performance Index of the faculty (38.7 percent) was considered as the most severe issue in the State of Uttar Pradesh. Another important analysis that emerged was that the lack of effectiveness of Legal Aid Cell was also due to lack of interest shown by judiciary (37.5 percent). The NCR

region of Uttar Pradesh also felt that lack of digitisation (25.8 percent) was also affecting the effectiveness of Legal Aid activity. Training (34 percent) and availability of students (32 percent) was minor issue for law schools. The respondents feel that the teachers and students in Law Schools are trained to effectively disseminate Legal Aid. Absence of designated faculty (53.3 percent) was also considered as a non-issue because it was felt that once academic credit is initiated faculty and students would come forward to effectively provide legal aid.

Table 4.10 Factors that play an important role in access to justice.

Preference	1	2	3	4	5	TOTAL
Legal Literacy	1	1	0	7	23	32
Legal Representation	0	1	5	10	15	31
Legal Advice	1	1	2	9	19	32
Promoting ADR	1	2	8	8	13	32
Use of Digital Resources	0	5	4	10	13	32
Para Volunteer and Para Legal Services	0	1	6	10	15	32
Public Interest Litigation	0	2	3	13	14	32
Law Reforms	1	1	4	9	17	32

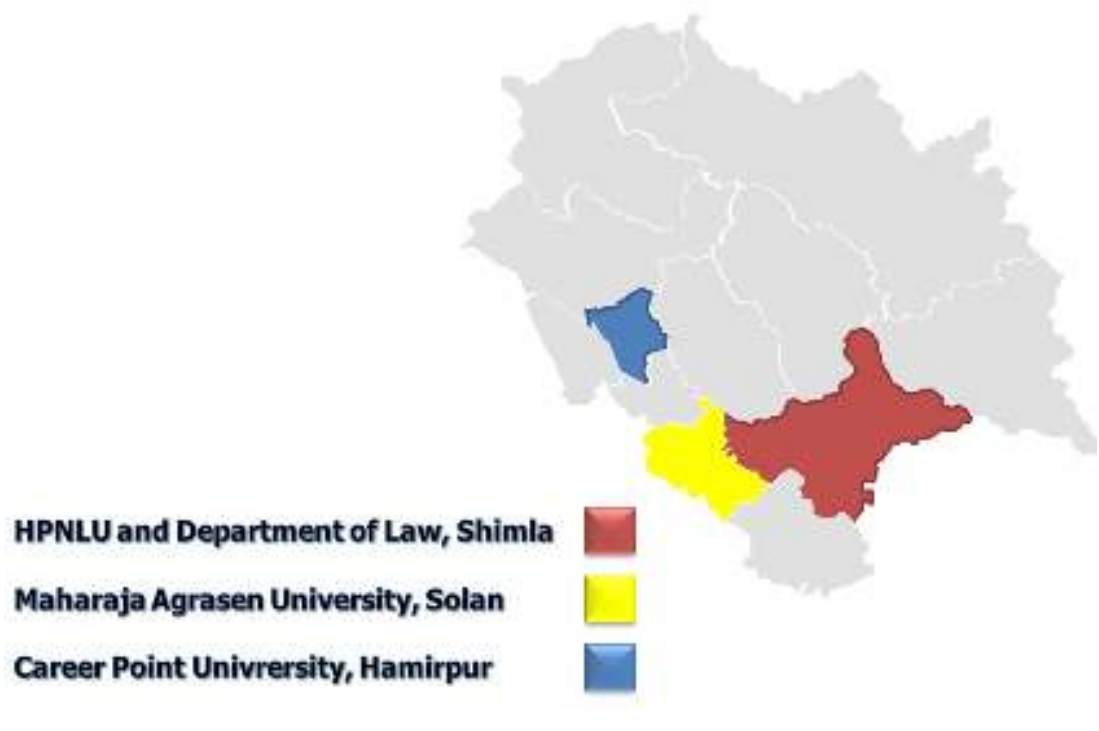
Legend

- 1) No use
- 2) Partial Use
- 3) Yes, but not of substantial use
- 4) Exceptional use
- 5) Great Use

In the State of Uttar Pradesh, it is felt that legal literacy is of great use as said by 72 percent of respondents. The second important aspect of access to justice in the State of Uttar Pradesh is legal advice (59 percent) followed by proper legal reforms (53 percent). The respondents are also open to use of technology (40 percent) for dissemination of justice.

EMPIRICAL ANALYSIS OF LAW
SCHOOLS OF HIMACHAL
PRADESH

STATE OF HIMACHAL PRADESH



(Map not to scale)

4.4 STATE OF HIMACHAL PRADESH

The research committee analysed the State of Himachal Pradesh for Law schools and Legal Aid Cells in State University, Private University and National Law School. Research team visited 4 law schools in the State of Himachal Pradesh namely Maharaja Agrasen University, Department of Law, Himachal Pradesh University, Career Point University and Himachal Pradesh National Law University(HPNLU), Shimla. In total 22 responses were gathered from these 4 Law Schools.

4.4.1 Infrastructure and Structural Compositions

All responses stated that the Legal Aid Cells were functional in their respective law schools. 91 percent respondents affirmed that the institutional premises had demarcated a room for the Legal Aid Cells. 9 percent respondents

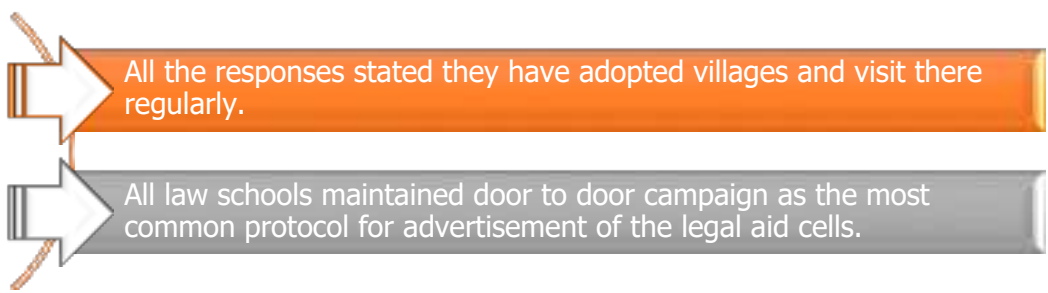
provided that the functions of Legal Aid Cells were carried outside the premise of the University in the form of outreach programme.

As regards structural composition, 50 percent respondents stated that they had three faculty coordinator each. 36 percent respondents informed that they had only one faculty coordinator. Faculty of Law, Himachal Pradesh University affirmed that ten regular faculty members were involved in the Legal Aid Cell. The composition of student coordinator ranged from two-five to manage the law school efforts. Coordinators were generally chosen on rotation basis via selection basis amongst the student involved in participation in para legal services.

4.4.2 Main work profile/working characteristics and advertisement of Legal Aid Cells

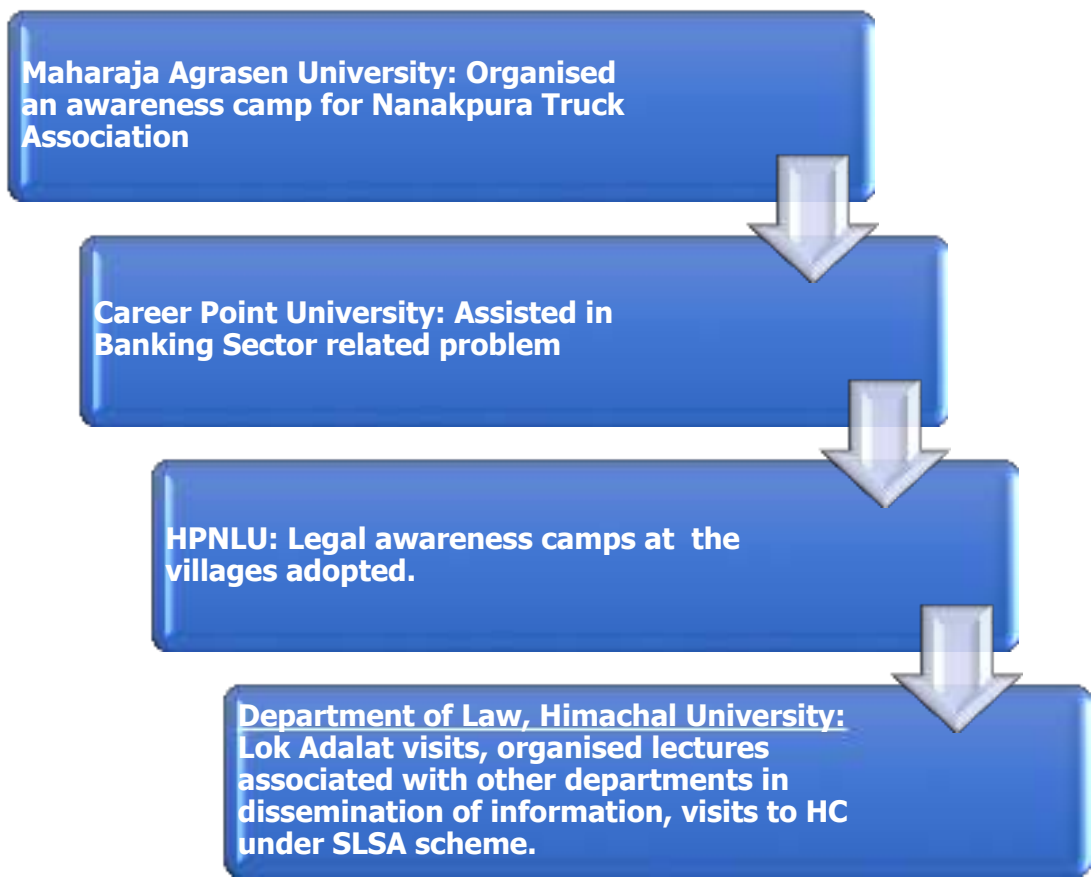
In Himachal Pradesh also the *modus operandi* for dissemination of information was community outreach programme relying mainly on skits and roadshows. It is seen that door to door campaign and public shows are the most common protocol for the advertisement of legal clinics. Social Media is also catching up as mode of advertisement in this kind of hilly terrain of Himachal to coordinate the activities, when advertisement becomes increasingly tough. Himachal Pradesh National Law University, Shimla informed the Research Team that they had adopted four villages as the target group namely Badwa, Chalog, Samana, Shakrah. Faculty of Law, Himachal University adopted three villages Challi, Panthagharh, Mehliel. Maharaja Agrasen University has not adopted any village, Career Point University has adopted village namely Mahal Panchayat. Himachal Pradesh National Law University has created a good practise of visiting the adopted village, at least once in six months.

Fig. 4.25 Himachal Pradesh: Responses of Legal Aid Cells



4.4.3 List of achievements of the Legal Aid Cells of law schools in Himachal Pradesh: -

Fig. 4.26 Himachal Pradesh: Achievements of Legal Aid Cells



4.4.4 Para Legal Services

In the State of Himachal Pradesh, the help of Para Legal Volunteers was used mostly to take benefit of the social welfare schemes of the government.

The students of the different law schools helped the masses to file necessary application for making of ration cards and involvement in the other schemes of the government. This analysis again reflects that the manpower available in the form of law students remains highly underutilised with no major activities undertaken by the Legal Aid Cells in the law schools.

Fig. 4.27 Himachal Pradesh: Para legal services provided



4.4.5 Association and Affiliation of Legal Aid Cells

Three Law Schools have regular contact with their State Legal Service Authority sans HPNLU, Shimla. The traditional model of association was observed. The respondents further said they have no other tie ups. Law schools wish to look up to the affiliating authority like State Legal Service Authority to consider funding of Legal Aid Cells. The research committee took notice of the fact that Himachal Pradesh National Law University, the most premiere law university in the State had not established links with State Legal Service Authority.

Fig. 4.28 Himachal Pradesh: Affiliation with SLSA

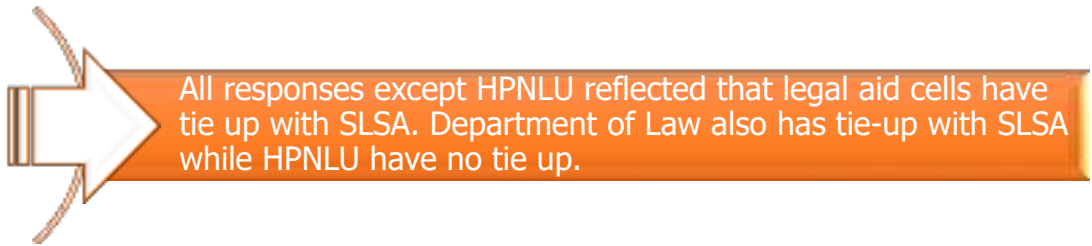
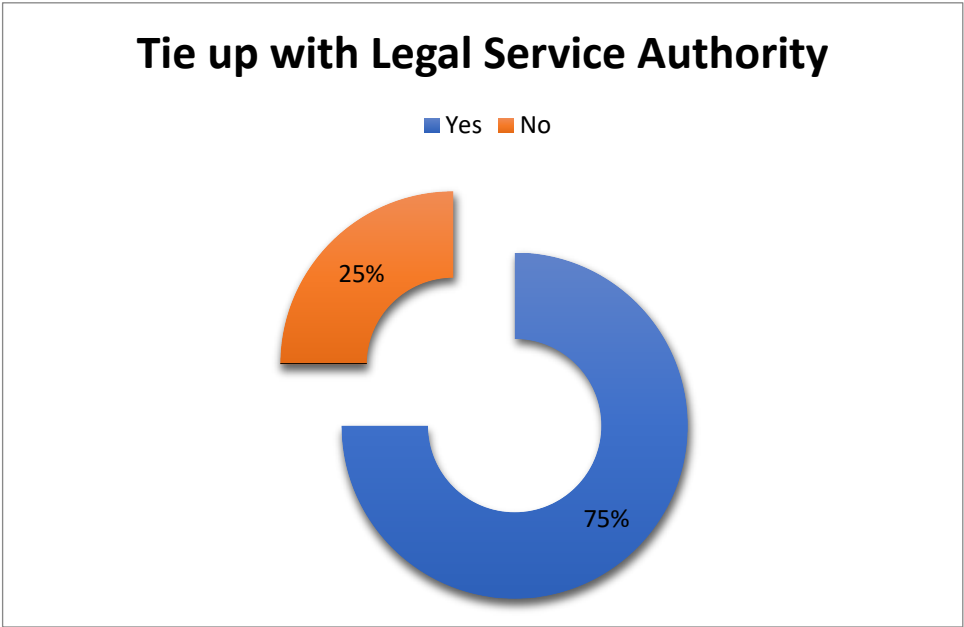


Fig. 4.29 Himachal Pradesh: Tie-up with Legal Service Authority

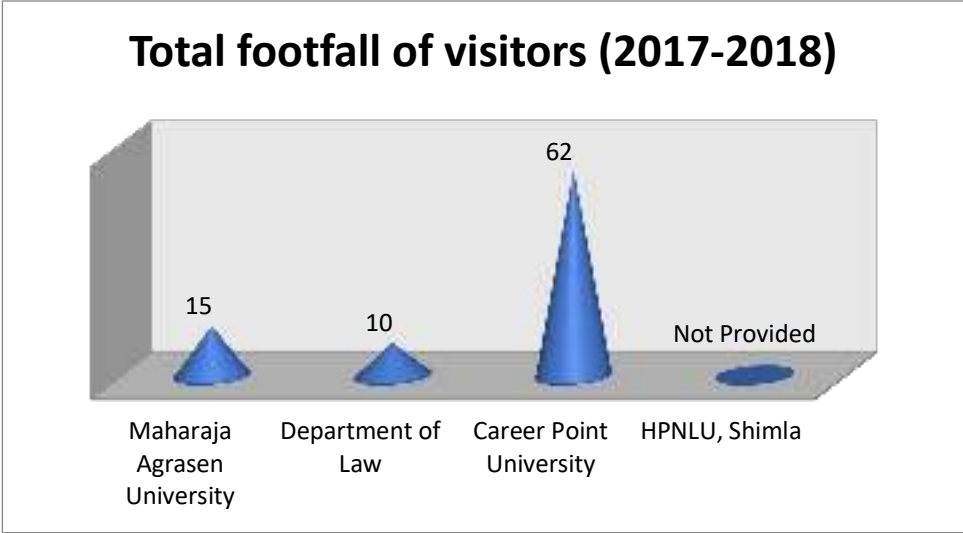


4.4.6 Visitors in the Legal Aid Cells in Law Schools in Himachal Pradesh in 2017-2018

Himachal Pradesh National Law University, Shimla could not provide the number of people who contacted their Legal Aid Cell. In this National Law School, Legal Aid Cell was in the process of being established. Moreover, the university campus is located far from the city and the terrain of the State, makes it difficult for the local masses to interact with the law students. Career Point University had highest number of visitor due to its visibility and also because of its location. The research team also felt that the Private Universities were able

to make their presence felt more than the State universities. The rules and procedures make it cumbersome for the law schools in the government set up to interact effectively.

Fig. 4.30 Himachal Pradesh: Number of visitors in Legal Aid Cells in Himachal Pradesh



4.4.7 Law Reform Activity Undertaken by Law Schools of Himachal Pradesh:

Majority Law Schools affirmed the understanding that there is no reform activity taking place, only exception being responses from Career Point University. Interaction with this University revealed that they had work towards establishing a concept of Lok Adalat which was felt as a major reform. This clearly shows how demographic conditions and lack of population or rather lack of knowledgeable population acts as a significant limitation to carrying out law reforms activities and providing ADR. It is pertinent to mention here that the legal education system needs innovative steps to rise above limitations and to ensure participation of law schools in reform activities. The interactions also revealed that support from regulatory authorities, judiciary and legal service authorities is needed.

4.4.8 Academic Credit and Faculty Credit

Most of the Law Schools affirmed lack of academic credit given to the faculty. Respondents from Himachal Pradesh national law university did not directly answer the question. Regarding academic credit to student coordinators, the law school generally have tried to make working in legal aid compulsory through mandatory attendance. All the law schools whether State University, Private University or National Law University maintained a consensus that student participation could be increased by providing them incentives in the form of certificate and moreover by formalising legal aid by actions such as compulsory attendance.

4.4.9 Common challenges faced by law schools in Himachal Pradesh:

All the law schools across the States face uniform problem of financial limitations and lack of constant involvement of students. Structural changes are required in clinical legal education for inclusive working of Legal Aid Cells in the law schools. Formalisation of functioning of Legal Aid Cells with their inclusion in the curriculum shall go a long way in improvement of the activities carried out in Legal Aid Cells. It was noted in Himachal Pradesh that lack of volunteering by the students was a major issue in all Legal Aid Cells. Lesser number of student volunteers not only hampers the efficacy of the activities but also limits the reach of these activities. Lack of full-time students is also presented as a significant issue. Many responses have also pointed out that lack of interest by Judiciary and State Bar Council also affected the functioning of Legal Aid Cells. Curriculum restrictions also had a role to play in students not opting for voluntary legal aid. The major impediments can be graphically represented as follows.

Table No. 4.11 Himachal Pradesh: Legal Aid Cell personnel perception of factors that can increase efficiency in providing Legal Aid

Preference	1	2	3	4	5	6	7	8	TOTAL
Amending Advocates Act Infrastructure	2	0	3	0	1	3	5	8	22
Infrastructure	4	2	5	1	0	7	3	0	22
Financial Aid	5	6	5	0	3	2	1	0	22
Capacity Development of Faculty	3	1	3	6	2	2	2	3	22
Frequent Interaction with Bar and Bench	1	7	2	4	3	0	1	4	22
Coordination Committee between Legal Aid Cell and State Legal Aid Service Authority	6	3	3	3	3	2	1	1	22
Digitisation of communication and rendering legal aid	0	2	0	7	6	2	3	2	22
Providing a mandatory criteria for students participation	1	1	2	2	4	4	5	3	22

Legend

1-8 is the order of preference of factors that can increase efficiency in providing Legal Aid.

In the State of Himachal Pradesh, the litigants were not available for interaction. The office of State Legal Service Authority is also situated far from the main population. It can therefore be inferred that legal aid in Himachal Pradesh is not reaching the common man. This analysis is reflected in the above table also. The respondents have given a perception that coordination between Legal Aid Cells of Law Schools and State Legal Services Authority(27 percent) and frequent interaction with Bar and Bench(32 percent) are most important

and preferred choice to increase the efficiency of Legal Aid Cells in the Law Schools of the State. Financial aid and Infrastructure(23 percent each) are the third important preferences. Another noteworthy mention is that the legal aid coordinators (27 percent) feel that faculty and students also need to be trained towards dissemination of legal aid.

Table No. 4.12 Himachal Pradesh: Legal Aid Cell personnel perception of issues faced in providing Legal Aid

Question	1	2	3	4	5	TOTAL
Financial condition as an impediment	3	4	4	6	5	22
Training and capacity development of faculty	3	3	3	7	6	22
Quality related issues with student volunteers	1	1	2	5	13	22
Paralegal restriction of students representing clients in court	4	3	5	1	5	18
Faculty as client representative in court of law	1	3	8	3	5	20
Curriculum/ Coursework restriction or barrier	3	1	4	5	9	22
Lack of full time students	1	3	3	6	9	22
Lack of support of State Bar Council	3	0	6	2	11	22
Lack of motivation/interest by Judiciary	1	1	7	2	11	22
Absence of credit points for legal aid for students	3	3	6	6	3	21
Absence of designated faculty and executive council	3	1	8	2	8	22
Legal aid not part of API	6	1	7	2	4	20
Lack of specific road map by Bar Council of India to provide legal aid	4	0	4	11	3	22

Lack of digitisation as hindrance for efficiency	3	1	11	2	5	22
Lack of coordination committee between State Legal Aid authorities and respective college	3	0	9	7	3	22

Legend

- 1- Severe Issues
- 2- Identifiable yet non-solvable issues
- 3- Large issues
- 4- Minor issues
- 5- No issues experienced

The Legal Aid in State of Himachal Pradesh is in the nascent stage of development. Therefore the training of faculty (32 percent) and student volunteers(59 percent) holds importance in the State. No academic credit (28.5 percent) to faculty is one of the major issues as we can infer from the table. Lack of digitisation (50 percent) is also one of the largest issue.

Table 4.13 Factors that play an important role in access to justice.

Preference	1	2	3	4	5	TOTAL
A- Legal literacy	0	0	1	3	18	22
B- Legal Representation	1	5	1	3	12	22
C- Legal Advice	0	0	0	4	18	22
D- Promoting ADR	0	1	3	7	11	22
Use of Digital Resources	0	0	4	7	11	22
Para Volunteer and Para Legal Services	0	5	3	8	6	22
Public Interest Litigation	0	3	5	8	6	22
H- Law Reforms	0	2	4	5	11	22

Legend

- 1) No use
- 2) Partial Use
- 3) Yes, but not of substantial use
- 4) Exceptional use
- 5) Great Use

In the State of Himachal Pradesh, it is felt that legal literacy is of great use as said by 81 percent of respondents. The second important aspect of access to justice in the State of Himachal Pradesh is legal advice (81 percent) followed by legal representations (54.5 percent).

PART-V

Stakeholder Analysis of Lawyers

- 1) Delhi
- 2) Punjab
- 3) Uttar Pradesh
- 4) Himachal Pradesh

5 INTRODUCTION

The data collected from lawyers of all four states was divided into five aspects in relation to the present system of legal aid. The five aspects can be enumerated as follows:

- 1 Introduction
- 2 Scope
- 3 Efficiency,
- 4 Challenges and
- 5 Solutions suggested by lawyers.

The introduction analyses questions related to legal aid clinics (whether constant or not) and the duration of the association of the lawyers with Legal Aid Clinic. This aspect also looks at the association through the lens of gender.

The second aspect covers scope and questions related involvement of lawyers with Alternative Dispute Resolution, Public Interest Litigation and Law reform programs, Maintenance of records by lawyers and the kinds of para legal services provided by the Legal Aid Clinics.

The third aspect relates to the efficiency of the Legal Aid Clinics. Questions related to efficiency of functioning of the Legal Aid Clinic, Efficiency of Legal Aid Clinics to cater to the needs of the litigants, and efficiency of legal aid clinics in empowering lawyers were discussed. It also dwells into Digitisation as a solution while also answering methods to increase efficiency and cost effectiveness of legal aid clinics

The fourth aspect relates to challenges in the present system of Legal Aid from the view point of lawyers. It has questions related to the problems faced by Legal Aid Clinics such as financial impediments, lack of full-time students, training and capacity development of faculty, lack of support by State Bar Councils and lack of interest by judiciary.

The fifth aspect provides possible solutions to the challenges mentioned above. Questions related to the views on Pan India project of linking of authorities and legal aid clinic and a coordinated legal aid program.

The total number of lawyers responding to the questionnaire were 74 in Delhi, 72 in Uttar Pradesh, 40 in Punjab and 28 in Himachal Pradesh. Since the number of respondents was not equal in each state, thus the entire data has been represented in percentage of respondents instead of numbers.

The number of respondent lawyers in Himachal Pradesh is substantially lower than in the other states and the same can be attributed partially to the smaller number of overall lawyers in Himachal Pradesh compared to the other states and partially to the lack of legal aid clinics and access thereto. This smaller number of respondents in Himachal Pradesh is also consistent with the findings in the questionnaire for litigants, where no litigants could be found, who were willing to respond to the questionnaire on legal aid. The analysis of the Data

5.1 Introduction

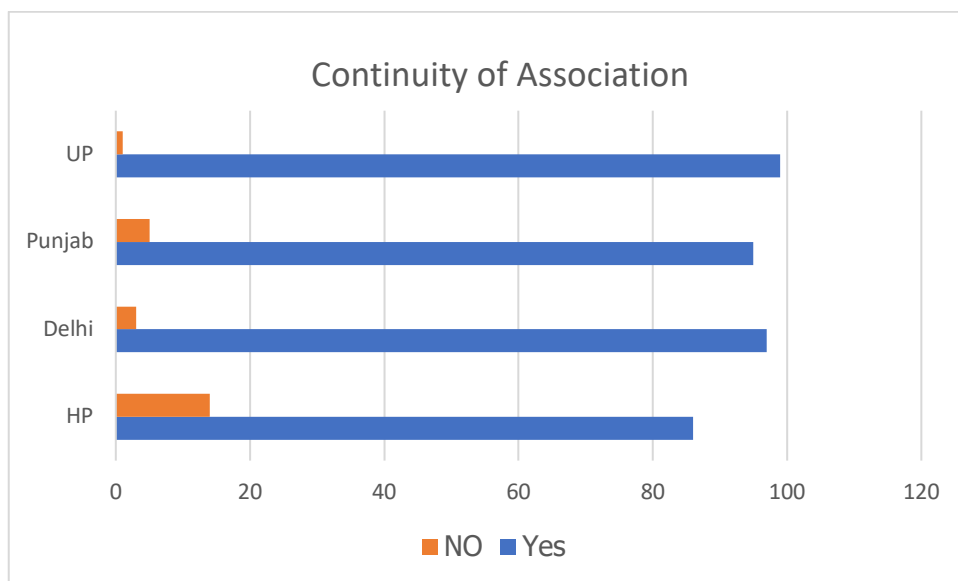
5.1.1 Continuity in association with Legal Aid Clinics

The respondents were questioned as to whether the legal aid clinics with which they worked were continuously functional. Respondents in all states felt that most of legal aid clinics were functional

Table 5.1.1 Constant association with legal aid clinics

Whether Association with Legal Aid Clinics is constant or not	Yes	No
	(All figures in percent)	
Himachal Pradesh	86	14
Delhi	97	3
Punjab	95	5
Uttar Pradesh	99	1

Fig. 5.1.1 Continuity of association



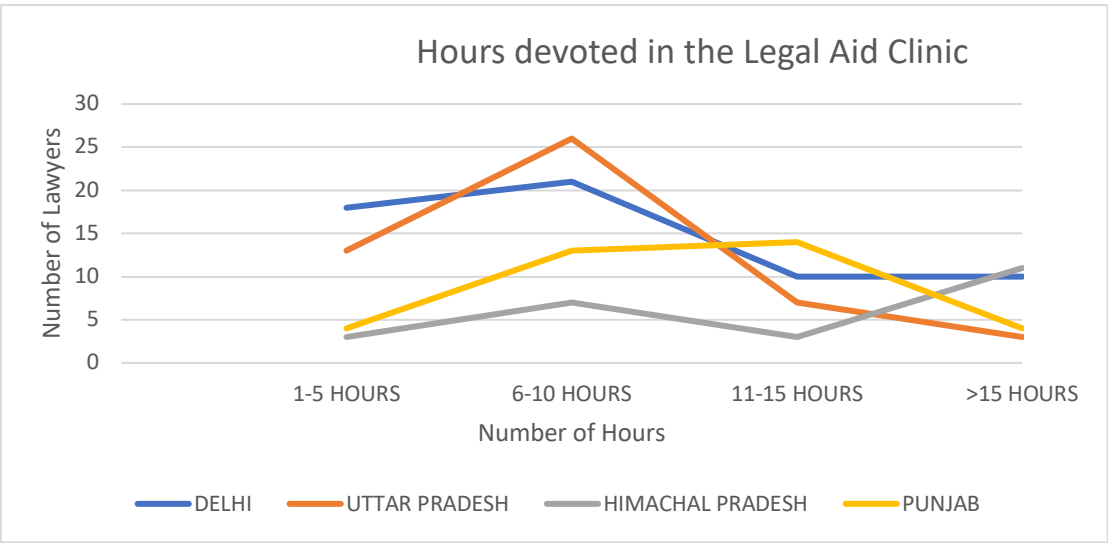
5.1.2 Number of hours devoted to Legal Aid work

The below table denotes the number of hours spent by legal aid lawyers in doing legal aid work. The number of hours varies from the nature of the work that has been allotted or taken up by them as part of legal aid activity. The respondents stated that mostly they spent time between 6-10 hours in legal aid work across the four states. This is followed by 11-15 working hours across the four states. This shows the commitment to the true value of social justice and legal aid empowerment by the lawyers in all the states.

Table 5.1.2 Number of hours in a week

HOURS IN A WEEK	DELHI	UTTAR PRADESH	HIMACHAL PRADESH	PUNJAB
1-5 HOURS	18	13	3	4
6-10 HOURS	21	26	7	13
11-15 HOURS	10	7	3	14
>15 HOURS	10	3	11	4

Fig. 5.1.2 Numbers of hours in a week



5.1.3 Gender/ Time Analysis of Association with Legal Aid Clinics

The table below denotes the number of lawyers as per the gender/time. This shows the average empanelment of lawyers as per their experience across the gender. The average figures in Delhi show that youngsters are given maximum opportunity to do legal aid in the state as the category of below one year to one year shows the maximum zeal and promise. Similar is the analysis of State of Punjab wherein again youngsters are being given the opportunity. However, the experienced female lawyers are not being given opportunities to do legal aid. The ratio changes in the State of Uttar Pradesh wherein the trust on experience and age is given over youngsters. The toppled pyramid shows that maximum faith is shown on experienced lawyers who have greater than five years’ experience over the youth.

Table 5.1.3 Delhi Gender/time analysis

Delhi

EXPERIENCE	MALE	FEMALE
<1	7	6
1	16	6
2	3	4
3	7	1
4	7	3
5	2	1
>5	6	3

Fig. 5.1.3 Delhi Gender/time analysis

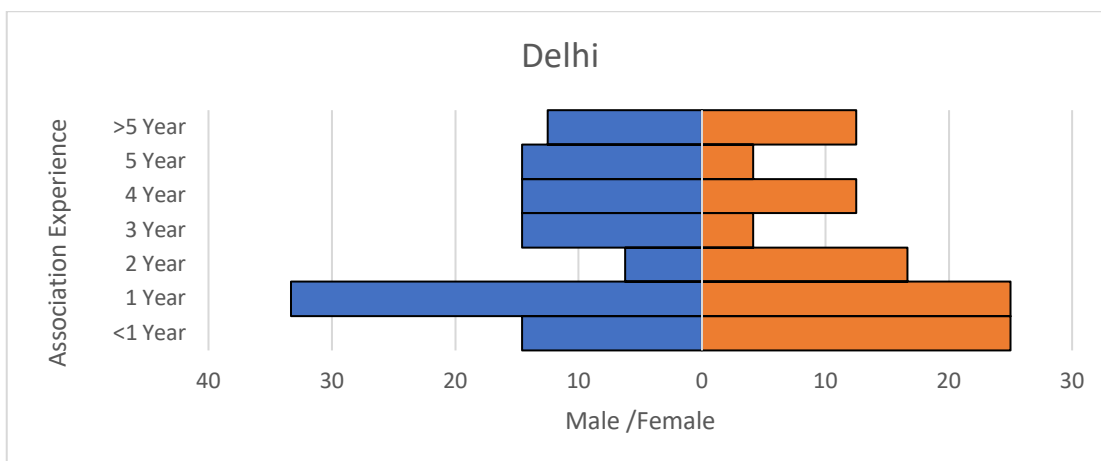
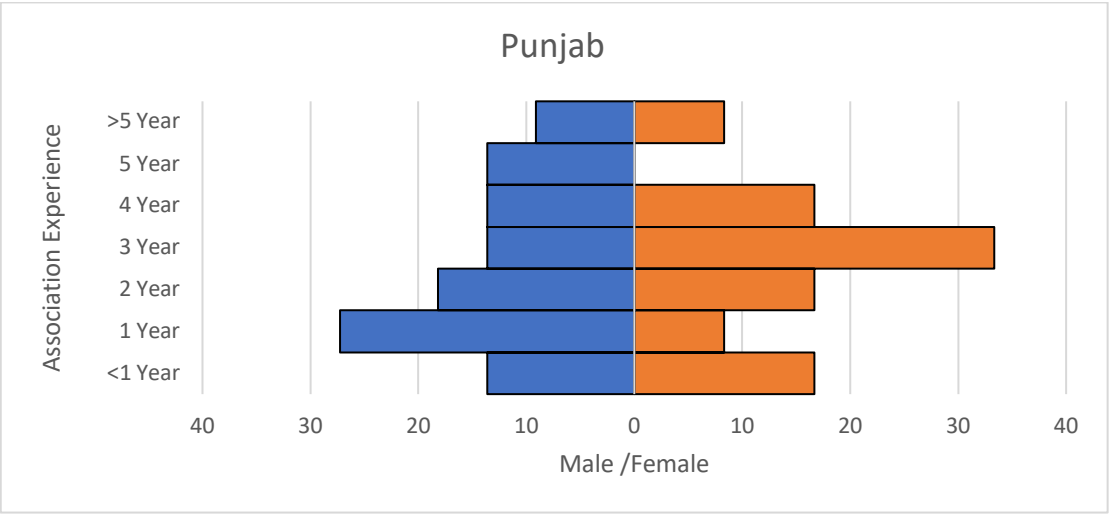
**Punjab**

Table 5.1.3 Punjab Gender/time analysis

EXPERIENCE	MALE	FEMALE
<1	3	2
1	6	1
2	4	2
3	3	4
4	3	2
5	1	0
>5	2	1

Fig. 5.1.3 Punjab Gender/time analysis

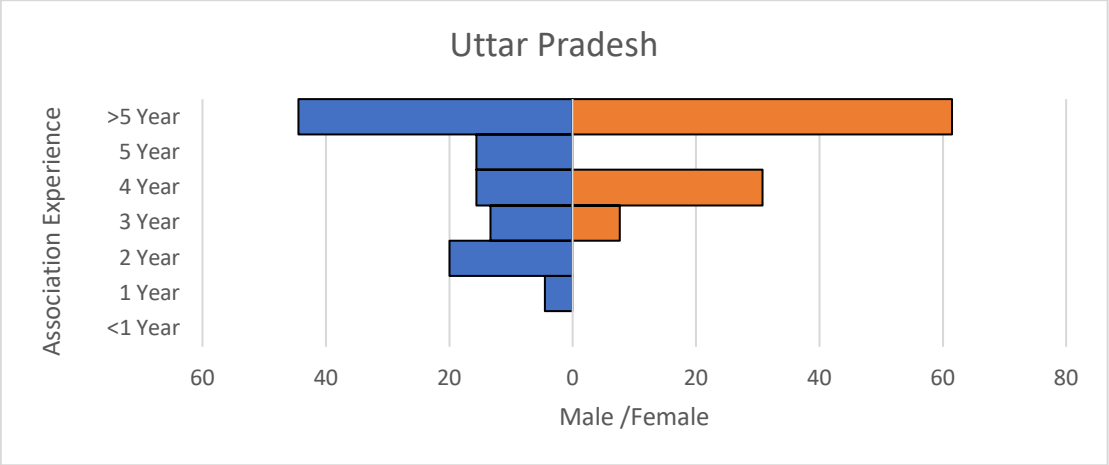


Uttar Pradesh

Table 5.1.3 Uttar Pradesh Gender/time analysis

EXPERIENCE	MALE	FEMALE
<1	0	0
1	2	0
2	9	0
3	6	1
4	7	4
5	1	0
>5	20	8

Fig. 5.1.3 Uttar Pradesh Gender/time analysis

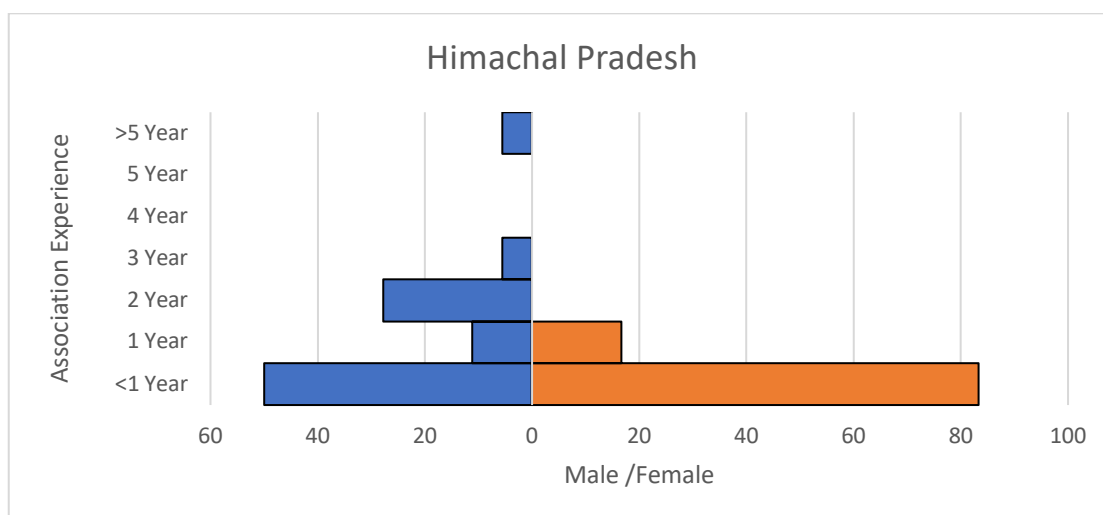


Himachal Pradesh

Table 5.1.3 Himachal Gender/time analysis

EXPERIENCE	MALE	FEMALE
<1	9	5
1	2	1
2	5	0
3	1	0
4	0	0
5	0	0
>5	1	0

Fig. 5.1.3 Himachal Pradesh Gender/time analysis



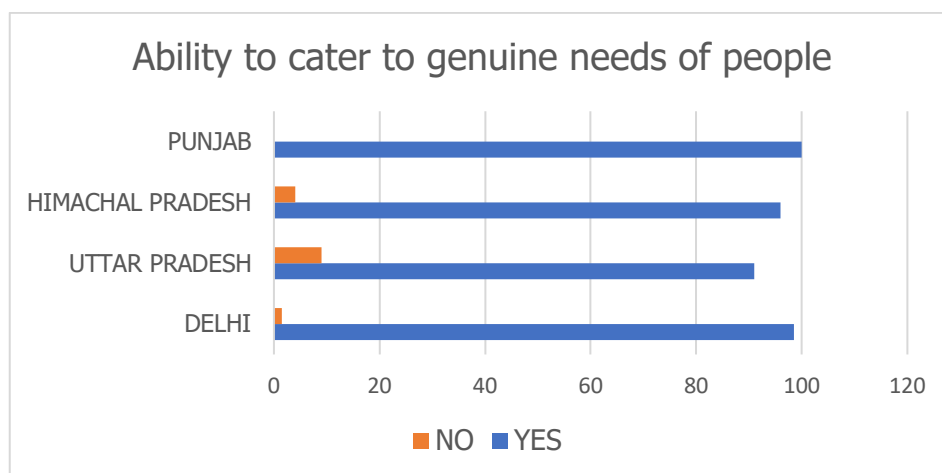
5.1.4 Ability to cater to genuine need of people

As can be seen from the table and figure below, more than 98.5 percent of the respondents interviewed in Delhi, 91 percent in Uttar Pradesh, 96 percent in Himachal Pradesh and complete 100 percent respondents in Punjab are satisfied that the legal aid clinics are efficient in catering to genuine needs of litigants.

Table 5.1.4 Catering to genuine needs

Able to cater the genuine needs of people?	Delhi	Uttar Pradesh	Himachal Pradesh	Punjab
	(All figures in percent)			
Yes	98	91	96	100
No	2	9	4	0

Fig. 5.1.4 Catering to genuine needs



5.2 SCOPE OF COVERAGE

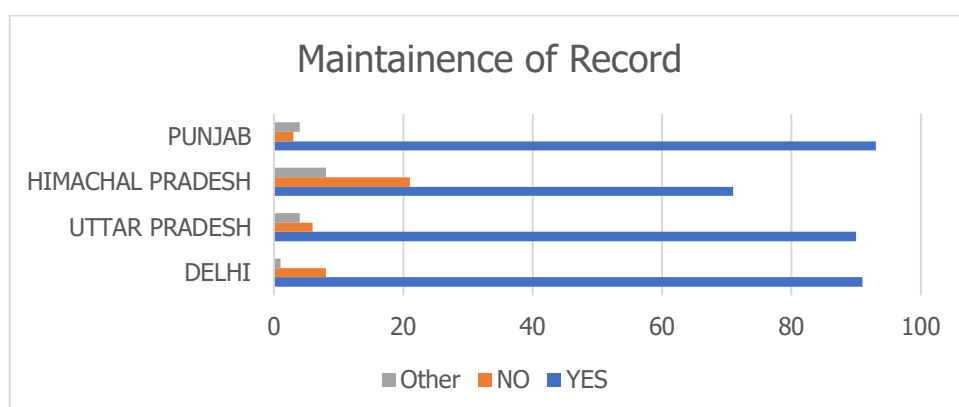
5.2.1 Maintenance of records by Legal aid lawyers

The analysis of data reveals that 91 percent of the lawyers in Delhi, 90 percent Uttar Pradesh and Punjab and 71 percent of the lawyers in Himachal Pradesh claim to maintain records of legal aid services provided by them. The Project implementation committee could not verify the records physically.

Table 5.2.1 Maintenance of records by Legal aid lawyers

Maintenance Of Record	Delhi	Uttar Pradesh	Himachal Pradesh	Punjab
	(All figures in percent)			
Yes	91	90	71	93
No	8	6	21	3
Other	1	4	8	4

Fig. 5.2.1 Maintenance of Record



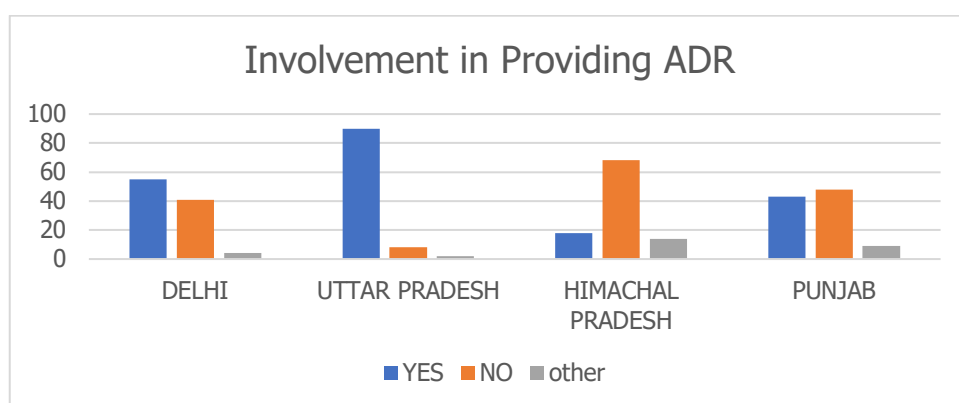
5.2.2 Involvement of legal aid lawyers in Alternative Dispute Resolution

55 percent of the respondents in Delhi, and 90 percent of the respondents in Uttar Pradesh claimed to be involved in providing legal aid for alternative dispute redressal mechanisms. However only 43 percent of respondents in Punjab and 18 percent of the respondents in Himachal Pradesh are involved in providing legal aid for alternative dispute redressal mechanisms.

Table 5.2.2 Involvement of legal aid lawyers in Alternative Dispute Resolution (ADR)

Involvement in Providing ADR	Delhi	Uttar Pradesh	Himachal Pradesh	Punjab
	(All figures in percent)			
Yes	55	90	18	43
No	41	8	68	48
Other	4	2	14	9

Fig. 5.2.2 Involvement in ADR



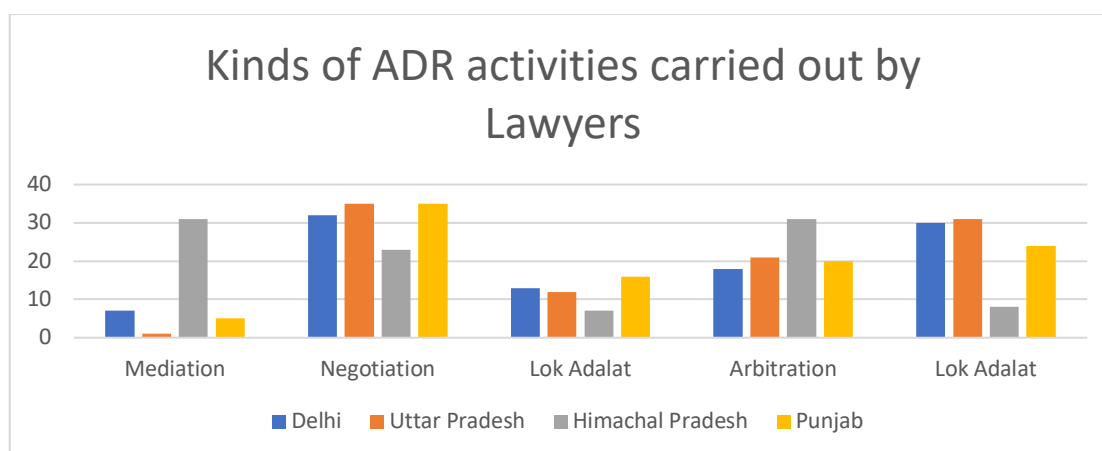
Kinds of ADR Activities Carried Out By Lawyers

In the state of Uttar Pradesh and Punjab most followed method of Alternative dispute resolution was "Negotiation" with 35 percent respondents in each. In Delhi also 32 percent respondents agreed to Negotiation being the most sought after means of alternative dispute redressal. The next important ADR activity was Lok Adalat.

Table 5.2.2a Kind of ADR activities

Nature of ADR Activity	Delhi	Uttar Pradesh	Himachal Pradesh	Punjab
	(All figures in percent)			
Mediation	7	1	31	5
Negotiation	32	35	23	35
Lok Adalat	13	12	7	16
Arbitration	18	21	31	20
Lok Adalat	30	31	8	24

Fig. 5.2.2a Kind of ADR activities



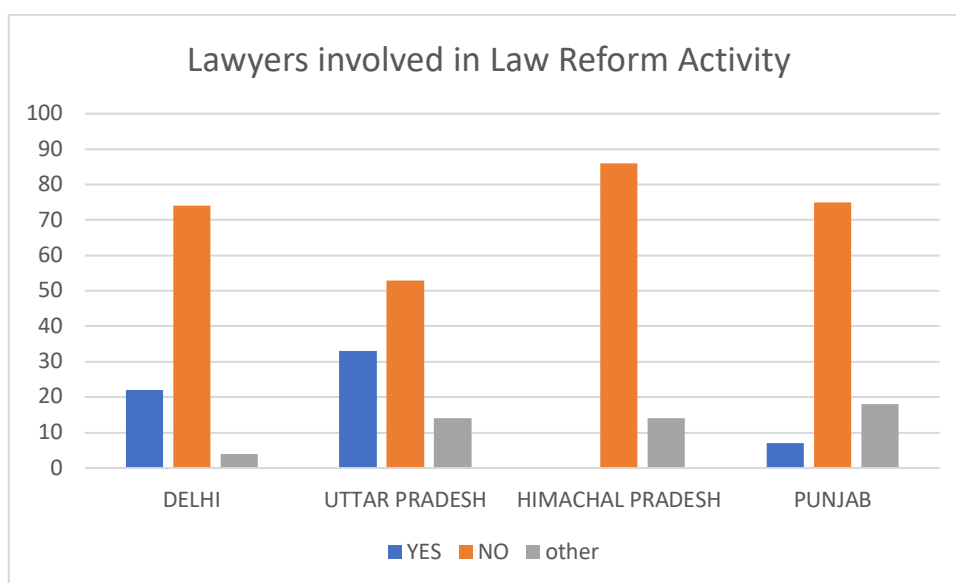
5.2.3 Involvement of empanelled Legal Aid Lawyers in law reform activity

Only 22 percent of the respondents in Delhi, 33 percent of respondents in Uttar Pradesh, 7 percent of the respondents in Punjab and none of the respondents in Himachal Pradesh are involved in law reform activity.

Table 5.2.3 Involvement of legal aid lawyers in law reform activity

Involvement in Law Reform Activity	Delhi	Uttar Pradesh	Himachal Pradesh	Punjab
	(All figures in percent)			
Yes	22	33	0	7
No	74	53	86	75
Other	4	14	14	18

Fig. 5.2.3 Involvement of legal aid lawyers in law reform activity



5.2.4 Involvement of legal aid lawyers in providing legal aid for Public Interest Litigations

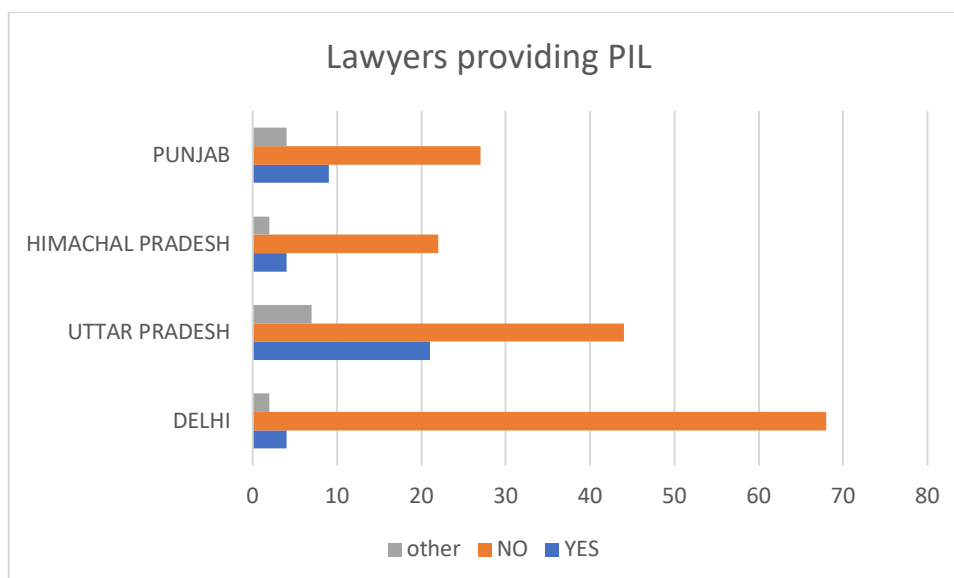
4 percent of respondents in Delhi and Himachal Pradesh 21 percent of the respondents in Uttar Pradesh, 9 percent of the respondents in Punjab are involved in providing legal aid for Public Interest Litigations. These abysmally

low figures reflect that only elite lawyers are involved in reform activity. Lawyers dealing in Legal Aid at the ground level have no say in legal reforms. In the State of Delhi most of the lawyers felt that Public Interest Litigation is not included in Legal Aid Services.

Table 5.2.4 Involvement of legal aid lawyers in providing legal aid for Public Interest Litigations

PROVIDING PIL	DELHI	UTTAR PRADESH	HIMACHAL PRADESH	PUNJAB
	(All figures in percent)			
YES	4	21	4	9
NO	68	44	22	27
other	2	7	2	4

Fig. 5.2.4 Involvement of legal aid lawyers in providing legal aid for Public Interest Litigations



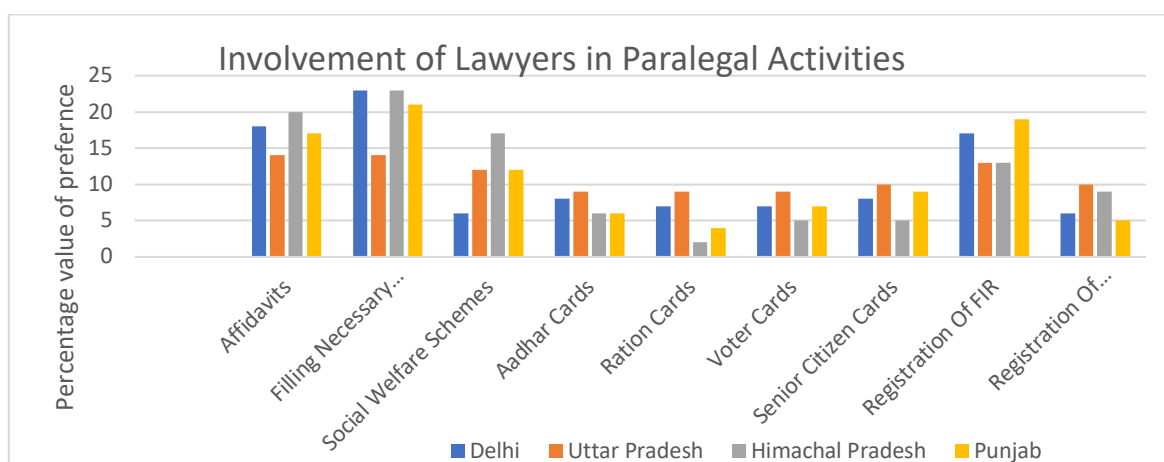
5.2.5 Main Para Legal Services provided by Legal Aid Clinic

Data provided below shows that the legal aid clinics are involving lawyers in filing affidavits or filing application on behalf of the people approaching the legal aid clinics. In all states the highest percentage of the Para Legal Services was for providing help in filing applications. Legal Aid Clinics have also helped out in registration of FIR's mainly in the state of Delhi and Punjab. Though in Uttar Pradesh and Himachal Pradesh, the legal aid clinics helped in filing of FIR but the percentage was less. (13 percent in each state respectively)

Table 5.2.5 Main para legal activities

Main Activities Under Legal Aid Clinic	Delhi	Uttar Pradesh	Himachal Pradesh	Punjab
	(All figures in percent)			
Affidavits	18	14	20	17
Filing Necessary Applications	23	14	23	21
Social Welfare Schemes	6	12	17	12
Aadhar Cards	8	9	6	6
Ration Cards	7	9	2	4
Voter Cards	7	9	5	7
Senior Citizen Cards	8	10	5	9
Registration Of FIR	17	13	13	19
Registration Of Birth/Death	6	10	9	5

Fig. 5.2.5 Main paralegal activities



5.3. EFFICIENCY

5.3.1 Factors contributing to increase in efficiency of functioning of Legal Aid Clinic

The data reflecting the factors contributing to increase the efficiency of functioning of Legal Aid Clinics is discussed below state wise:-

Delhi

Table No. 5.3.1 Delhi: Perception of Lawyer of factors that can increase efficiency in providing Legal Aid

PREFERENCES/RANK	1	2	3	4	5	6	7
	All values in percentage						
Amending Advocates Act, 1961	5	3	8	3	10	10	62
Infrastructure	21	18	11	11	22	14	3
Financial Aid	22	26	10	19	8	12	3
Capacity Development of Faculty	6	11	22	15	14	21	11
Frequent interaction with bar and bench	24	3	17	19	14	11	13
Coordination Committee between legal aid clinic and State Legal Aid Service Authority	10	26	16	14	22	10	3
Digitisation of communication and rendering legal aid services with the assistance of information technology	14	14	18	19	7	22	7

Legend- Preference/Rank 1-7

A very clear outcome which is in sync with table 6.3 is that 62 percent respondents have ranked "Amending Advocates Act, 1961" as the last priority to increase the efficiency of the Legal Aid clinics. The highest preference is given to the frequent interaction with Bar and Bench. Next factors to increase the efficiency of the Legal Aid Clinic are formation of coordination committee between Legal Aid Clinic and State Legal Aid Service Authority along with Financial Aid. Capacity development of faculty comes up as the next prominent choice (by 22 percent respondents).

PunjabTable No. 5.3.1 Punjab: Perception of Lawyers regarding factors that can increase efficiency in providing Legal Aid

PREFERENCES	1	2	3	4	5	6	7
	All values in percentage						
Amending Advocates Act, 1961	3	3	3	8	3	5	78
Infrastructure	0	65	13	5	5	8	5
Financial Aid	62	12	2	5	14	5	0
Capacity Development of Faculty	0	10	13	5	8	60	5
Frequent interaction with bar and bench	13	5	63	5	8	5	3
Coordination Committee between legal aid clinic and State Legal Aid Service Authority	15	5	3	5	63	10	0
Digitisation of communication and rendering legal aid services with the assistance of information technology	5	3	5	65	8	8	8

Legend- Preference/Rank 1-7

Financial aid is considered as the single largest element to propel efficiency in providing Legal Aid (62 percent) followed by requirement of proper infrastructure (65 percent). The least preferred choice amongst lawyers in Punjab was Amending Advocates Act, 1961 (78 percent)

Uttar PradeshTable No. 5.3.1 Uttar Pradesh: Perception of Lawyers regarding factors that can increase efficiency in providing Legal Aid

PREFERENCES	1	2	3	4	5	6	7
	All values in percent						
Amending Advocates Act, 1961	8	13	10	10	3	7	49
Infrastructure	15	49	8	15	2	5	7
Financial Aid	67	15	10	0	7	2	0
Capacity Development of Faculty	5	2	15	15	34	18	11
Frequent interaction with bar and bench	0	11	30	7	25	15	13
Coordination Committee between legal aid clinic and State Legal Aid Service Authority	3	10	13	34	18	11	10

Digitisation of communication and rendering legal aid services with the assistance of information technology	2	0	15	20	11	43	10
--	---	---	----	----	----	----	----

Legend- Preference/Rank 1-7

Financial Aid, Infrastructure and frequent interaction with bar and bench was considered as the prime preference for the purpose of increasing efficiency in Legal Aid (67 percent, 49 percent and 30 percent respectively). However, amending Advocates Act, 1961 was considered as the least preferred alternative for increasing efficiency by 49 percent.

Himachal Pradesh

Table No. 5.3.1 Himachal Pradesh: Perception of Lawyers regarding factors that can increase efficiency in providing Legal Aid

PREFERENCES	1	2	3	4	5	6	7
	All values in percentage						
Amending Advocates Act, 1961	0	0	4	0	15	19	62
Infrastructure	31	27	12	15	4	12	0
Financial Aid	23	38	15	4	12	4	4
Capacity Development of Faculty	26	11	19	11	7	22	4
Frequent interaction with bar and bench	4	19	19	15	12	15	15
Coordination Committee between legal aid clinic and State Legal Aid Service Authority	4	4	19	27	35	0	12
Digitisation of communication and rendering legal aid services with the assistance of information technology	12	0	8	28	16	28	8

Legend- Preference/Rank 1-7

Majority of the respondents (62 percent) felt that Amending Advocates Act, 1961 is not a solution. 31 percent respondents felt that Infrastructure and 26 percent stated that Capacity Development of faculty should be the topmost

priority. 61 percent respondents gave importance to Financial Aid. 38 percent respondents felt that frequent interaction with Bar & Bench will improve the situation. Interestingly, the majority does not feel that Digitisation of communication & IT will help in providing effective Legal Aid. This corroborates with the previous table that there is nothing at grass root level and as a result they are not able to visualise the IT's impact.

5.3.2 Factors that can lead to purposeful Access to Justice

The respondents were questioned as to their preferences related to elements/ factors that can provide purposeful Access to Justice. The respondents were asked to rank preferences like legal literacy, legal representation, legal advice etc. The data analysis is enumerated below state wise.

Delhi

Table No. 5.3.2 Delhi: Factors that can lead to purposeful Access to Justice

PREFERENCE/RANK	1	2	3	4	5	6	7	8
	All values in percentage							
Legal literacy	38	31	21	4	6	1	0	0
Legal representation	11	18	38	10	8	6	6	4
Legal Advice	35	37	14	8	0	3	3	0
Promoting ADR	8	10	4	32	11	13	8	13
Use of Digital resources	1	1	8	17	23	17	17	15
Para Volunteer and Para Legal Services	1	0	6	20	27	25	14	7
Public Interest Litigation	4	3	3	3	8	17	35	27
Law Reforms	1	1	6	7	17	18	17	32

Legend- Preference/Rank 1-7

Legal literacy and legal advice are the top preferences of the respondents as factors that can lead to purposeful access to justice as per Lawyers. Interestingly, it indicates that Law reforms are the last priority closely followed by Public Interest Litigation

Punjab

Table No. 5.3.2 Punjab: Factors that can lead to purposeful Access to Justice

PREFERENCE	1	2	3	4	5	6	7	8
	All values in percentage							
Legal literacy	75	5	10	3	5	0	0	3
Legal representation	0	74	8	10	5	0	3	0
Legal Advice	15	10	63	0	5	8	0	0
Promoting ADR	0	3	13	70	8	0	8	0
Use of Digital resources	3	3	0	8	63	10	3	13
Para Volunteer and Para Legal Services	3	3	3	5	8	10	68	3
Public Interest Litigation	5	0	0	3	5	8	20	60
Law Reforms	0	5	3	3	3	65	0	23

Legend- Preference/Rank 1-7

Legal Literacy, Legal Representation and Legal Advice were considered as the most preferred option to increase Access to Justice.

Uttar Pradesh

Table No. 5.3.2 Uttar Pradesh: Factors that can lead to purposeful Access to Justice

PREFERENCE	1	2	3	4	5	6	7	8
	All values in percent							
Legal literacy	58	18	10	5	3	3	2	0
Legal representation	18	35	22	10	5	3	7	0
Legal Advice	15	26	15	26	2	16	0	0
Promoting ADR	9	14	12	19	14	21	7	4
Use of Digital resources	4	2	2	14	11	14	42	12
Para Volunteer and Para Legal Services	4	4	14	18	27	11	5	18
Public Interest Litigation	0	0	4	2	25	13	23	34
Law Reforms	0	0	25	5	16	14	9	30

Legend- Preference/Rank 1-7

Legal Literacy, Legal Representation and Law Reforms were considered as the most preferred options for purposeful access to justice by 58 percent, 35 percent and 25 percent respondents respectively. Public Interest Litigation emerged as the least preferred option to increase Access to Justice.

Himachal Pradesh

Table No. 5.3.2 Himachal Pradesh: Factors that can lead to purposeful Access to Justice

PREFERENCE	1	2	3	4	5	6	7	8
	All values in percentage							
Legal literacy	35	35	15	4	8	4	0	0
Legal representation	15	8	42	8	8	15	4	0
Legal Advice	19	46	12	12	4	0	0	8
Promoting ADR	8	4	15	15	31	15	8	4
Use of Digital resources	4	0	4	27	27	27	4	8
Para Volunteer and Para Legal Services	12	8	8	31	15	19	0	8
Public Interest Litigation	0	0	4	4	4	8	50	31
Law Reforms	8	0	0	0	4	12	31	46

Legend- Preference/Rank 1-7

77 percent of the respondents said that Law Reforms will not serve the purpose of improving access to justice through Legal Aid clinics. 81 percent were not interested in PILs. The encouragement could be found in the response on legal literacy where 35 percent have opted for it as their first preference and another 35 percent as second preference. 46 percent have given weightage to Legal advice.

5.4 Digital Communication

5.4.1 Use of digital communication by Legal Aid lawyers to communicate with target groups

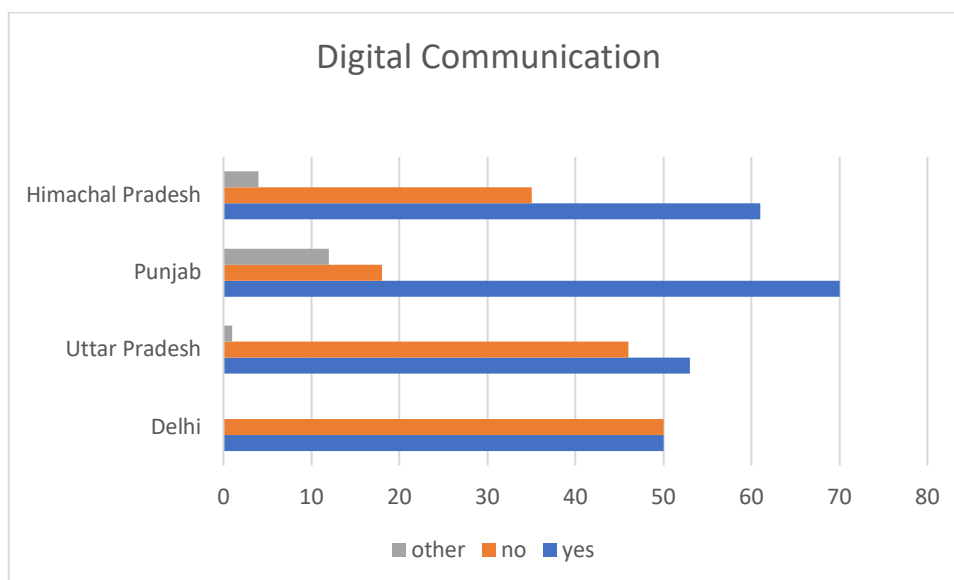
50 percent of the lawyers interviewed in Delhi, 53 percent of the lawyers interviewed in Uttar Pradesh, 70 percent of the lawyers interviewed in Punjab and 61 percent of lawyers interviewed in Himachal Pradesh are currently using

digital communication to communicate with target groups. Use of technology still needs to penetrate almost half of the population. The use of mobile phones was considered as the preferred mode of digital communication. However, the respondents also stated that they use digital communication only when their clients are comfortable to communicate through mobile phone.

Table 5.4.1 Use of digital communication by Legal Aid lawyers to communicate with target groups

Use of digital communication	Delhi	Uttar Pradesh	Punjab	Himachal Pradesh
	(All values in percentage)			
Yes	50	53	70	61
No	50	46	18	35
Other	0	1	12	4

Fig. 5.4.1 Use of digital communication by Legal Aid lawyers to communicate with target groups



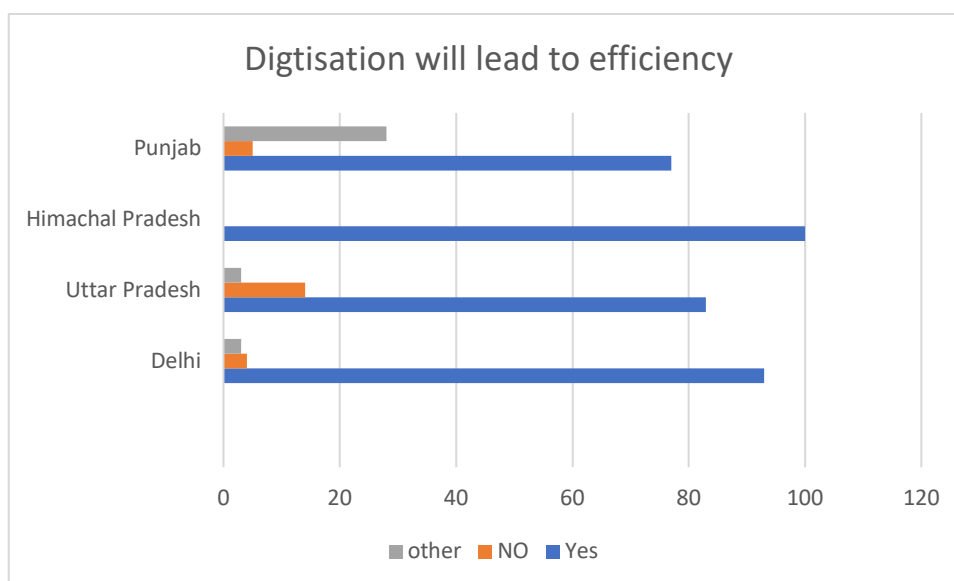
5.4.2 Effect of Digitisation on efficiency

Most of the respondents in all the States felt that digitisation will increase the efficiency of Legal Aid Clinics. It is noteworthy that 100 percent lawyers in Himachal Pradesh felt the need of digitisation due to distance and terrain in the State. Further, the lawyers also felt that there can be proper digital modes that the Legal Service Authorities can promote in order to create more awareness and in turn increasing the overall efficiency of the Legal Aid Schemes. The analysis is reflected below:

Table 5.4.2 Effect of digitisation on efficiency

Digitisation of Legal Aid Clinics will increase their efficiency	Yes	No	Other
Delhi	93	4	3
Uttar Pradesh	83	14	3
Himachal Pradesh	100	0	0
Punjab	77	5	28

Fig. 5.4.2 Effect of digitisation on efficiency



5.5 CHALLENGES

5.5.1 Challenges faced by legal aid clinic

Respondents in all states were to enumerate the issues which needed to be addressed by Legal Aid Clinics. The respondents were to state their preference regarding the severity of the problem to no issues felt.

Delhi

Table No. 5.5.1 Delhi: Issues Faced By Lawyers While Providing Legal Aid

PROBLEMS	1	2	3	4	5
	All values in percentage				
Financial condition as an impediment	10	12	18	29	32
Training and capacity development of faculty	7	21	23	29	21
Quality related Issues with student's volunteers	6	6	21	40	27
Para legal restriction of students representing clients in court	7	8	13	23	49
Faculty as client representative in court of law	10	3	8	27	52
Curriculum/Coursework restriction or barrier	7	17	13	30	32
Lack of full time students	10	10	15	31	34
Lack of support of state bar council	16	12	14	23	35
Lack of motivation /interest by judiciary	10	6	11	25	48
Absence of credit points for legal aid for students	30	17	19	23	11
Absence of designated faculty and executive council	17	17	16	26	24
Lack of specific road map by the Bar Council of India to provide legal aid services	20	22	15	23	20
Lack of digitisation as hindrance for efficiency	24	21	19	20	16

LEGEND

- 1- Severe Issues
- 2- Identifiable yet not –solvable issues
- 3- large issues
- 4-Minor issues
- 5- No issues experienced

Inferences drawn from the table above is that the most severe issue according to the perception of lawyers is "Absence of credit points for legal aid for students "(30 percent respondents). 24 percent respondents claimed that "Lack of digitisation as hindrance for efficiency "was a hindrance of severe nature. 20 percent of the respondents felt that "Lack of specific road map by the Bar Council of India to provide legal aid services" was also a severe issue in providing effective legal aid. A large number of respondents felt that "Lack of full-time students", "Curriculum/Coursework restriction or barrier", "Financial condition as an impediment" and "Training and capacity development of faculty" were minor issues.

Punjab

Table No. 5.5.1Punjab: Issues Faced By Lawyers While Providing Legal Aid

PROBLEMS	1	2	3	4	5
	All values in percentage				
Financial condition as an impediment	5	30	11	35	19
Training and capacity development of faculty	5	19	16	41	19
Quality related Issues with student's volunteers	8	22	27	38	5
Para legal restriction of students representing clients in court	8	32	27	14	19
Faculty as client representative in court of law	3	38	14	27	19
Curriculum/Coursework restriction or barrier	0	19	32	35	14
Lack of full time students	8	30	24	22	16
Lack of support of state bar council	11	39	5	16	29
Lack of motivation /interest by judiciary	3	30	16	14	38
Absence of credit points for legal aid for students	11	30	27	22	11
Absence of designated faculty and executive council	3	38	27	19	14

Lack of specific road map by the Bar Council of India to provide legal aid services	8	24	24	24	19
Lack of digitisation as hindrance for efficiency	5	32	38	11	14

LEGEND

- 1- Severe Issues
- 2- Identifiable yet not –solvable issues
- 3- large issues
- 4-Minor issues
- 5- No issues experienced

Most of the respondents in Punjab felt that the issues faced while providing legal aid were easy to identify. The respondents felt that the issues were difficult to solve. Lack of representation by student and faculty which are 32 and 38 percent respectively. Lack of support from the State Bar Council was considered an identifiable issue by 39 percent of the respondents. Lack of Digitisation was considered a large issue by 38 percent of the respondents. Involvement of judiciary was considered a minor issue by 38 percent respondents.

Uttar Pradesh

TABLE 5.5.1 Uttar Pradesh: Issues Faced By Lawyers While Providing Legal Aid

PROBLEMS	1	2	3	4	5
	All values in percent				
Financial condition as an impediment	53	16	21	7	3
Training and capacity development of faculty	17	16	51	10	6
Quality related Issues with student's volunteers	21	30	13	16	20
Para legal restriction of students representing clients in court	36	9	14	14	27
Faculty as client representative in court of law	32	26	9	24	9

Curriculum/Coursework restriction or barrier	24	35	15	24	3
Lack of full time students	43	26	13	4	13
Lack of support of state bar council	21	30	21	14	13
Lack of motivation /interest by judiciary	23	21	30	9	17
Absence of credit points for legal aid for students	44	16	12	12	16
Absence of designated faculty and executive council	28	40	21	9	3
Lack of specific road map by the Bar Council of India to provide legal aid services	27	26	21	11	15
Lack of digitisation as hindrance for efficiency	46	26	13	14	1

LEGEND

- 1- Severe Issues
- 2- Identifiable yet not –solvable issues
- 3- large issues
- 4-Minor issues
- 5- No issues experienced

Financial impediment was the most severe issue as per the lawyers in State of Uttar Pradesh (53 percent). Lack of full-time students as stated by 43 percent respondents was the next severe issue. Absence of designated faculty was considered an identifiable issue by 40 percent of the respondents.

Himachal Pradesh

TABLE 5.5.1 Himachal Pradesh: Issues Faced By Lawyers While Providing Legal Aid

PROBLEMS	1	2	3	4	5
	All values in percentage				
Financial condition as an impediment	39	29	4	14	14
Training and capacity development of faculty	32	25	14	14	14
Quality related Issues with student's volunteers	15	7	22	26	30

Para legal restriction of students representing clients in court	7	7	15	33	37
Faculty as client representative in court of law	4	19	15	15	48
Curriculum/Coursework restriction or barrier	4	22	15	26	33
Lack of full-time students	4	8	8	31	50
Lack of support of state bar council	15	7	11	22	44
Lack of motivation /interest by judiciary	0	7	19	7	67
Absence of credit points for legal aid for students	22	22	7	22	26
Absence of designated faculty and executive council	31	12	15	23	19
Lack of specific road map by the Bar Council of India to provide legal aid services	19	4	44	15	19
Lack of digitisation as hindrance for efficiency	27	27	8	15	23

LEGEND

- 1- Severe Issues
- 2- Identifiable yet not –solvable issues
- 3- large issues
- 4-Minor issues
- 5- No issues experienced

39 percent of respondents felt that financial condition was a serious impediment. 32 percent said that lack of training and capacity development of faculty was a serious concern. Almost the similar number felt that faculty and executive council needed to be designated for Legal Aid. Lack of digitisation too is inferred as a serious concern.

5.6 SOLUTIONS

Delhi

Table No. 5.6 Delhi: Solutions suggested by lawyers regarding factors pertaining to Legal Aid

STEPS TAKEN	1	2	3	4	5
	All values in percentage				

Do you think digitisation will help in better interaction with authorities and provide for speedy access to justice?	1	17	8	24	49
Do you think by linking and creating a pan India project of linking legal authorities and legal aid clinics will provide a better solution?	1	18	18	24	39
Do you think legal aid can be made a mandatory registration requirement under the Advocates Act, 1961 for registering as an advocate?	41	15	16	7	22
Do you think training from para-volunteers to paralegal as envisaged in Western countries will provide for a better legal Aid system?	8	19	21	26	26
Do you think ethical guidelines for paralegal should be created in order to protect legal aid clinics and paralegal volunteers?	3	8	18	38	33
Do you agree with the system of Legal Aid as provided by your legal aid clinic?	1	5	15	27	51
How far you think legal aid service provided by the clinic will help in emancipation of the society and marginalised people?	3	5	12	18	62
Do you think a good coordinated legal aid program can be of benefit to all stake holders?	0	9	7	16	68

LEGEND

- 1) Not a solution; 2) May be; 3) Satisfactory; 4) Exceeds Expectation; and 5) Excellent

41 percent respondents claim that making legal aid a mandatory registration requirement under the Advocates Act, 1961 for registering as an advocate is not a solution. This shows their resistance to the idea. However there is a ray of hope when it is noted that 22 percent of the respondents felt it as excellent and another 7 percent felt that it exceeds expectations.

A direct reflection of the above sentiment is noted when 52 percent respondents felt that paralegal volunteers as envisaged in Western countries

will provide for a better legal Aid system. 71 percent respondents feel that guidelines for paralegal should be created in order to protect legal aid clinics and paralegal volunteers.

Punjab

Table No. 5.6 Punjab: Solutions suggested by lawyers regarding factors pertaining to Legal Aid

STEPS TAKEN	1	2	3	4	5
	All values in percentage				
Do you think digitisation will help in better interaction with authorities and provide for speedy access to justice?	0	14	30	16	41
Do you think by linking and creating a pan India project of linking legal authorities and legal aid clinics will provide a better solution?	4	11	44	24	16
Do you think legal aid can be made a mandatory registration requirement under the Advocates Act, 1961 for registering as an advocate?	11	27	32	22	8
Do you think training from para-volunteers to paralegal as envisaged in Western countries will provide for a better legal Aid system?	8	14	31	31	17
Do you think ethical guidelines for paralegal should be created in order to protect legal aid clinics and paralegal volunteers?	3	24	24	16	32
Do you agree with the system of Legal Aid as provided by your legal aid clinic?	8	24	19	14	35
How far you think legal aid service provided by the clinic will help in emancipation of the society and marginalised people?	3	14	22	38	24
Do you think a good coordinated legal aid program can be of benefit to all stake holders?	5	16	22	22	35

LEGEND

- 1) Not a solution; 2) May be; 3) Satisfactory; 4) Exceeds Expectation; and 5) Excellent

Most of the respondents felt that digitisation is an excellent solution (44 percent). 32 percent of the respondents felt that mandatory registration under

the Advocates Act is a satisfactory solution. It was felt that training as envisaged in Western countries for para legal volunteers to para legal representation would provide for a better legal Aid system (31 percent). However, ethical guidelines for paralegal should need to be created. This was felt to be an excellent solution by 32 percent of the respondent.

Uttar Pradesh

Table No. 5.6 Uttar Pradesh: Solutions suggested by lawyers regarding factors pertaining to Legal Aid

STEPS TAKEN	1	2	3	4	5
	All values in percent				
Do you think digitisation will help in better interaction with authorities and provide for speedy access to justice?	7	14	14	14	51
Do you think by linking and creating a pan India project of linking legal authorities and legal aid clinics will provide a better solution?	1	7	11	37	43
Do you think legal aid can be made a mandatory registration requirement under the Advocates Act, 1961 for registering as an advocate?	14	38	7	11	30
Do you think training from para-volunteers to paralegal as envisaged in Western countries will provide for a better legal Aid system?	3	25	22	30	20
Do you think ethical guidelines for paralegal should be created in order to protect legal aid clinics and paralegal volunteers?	4	13	49	15	19
Do you agree with the system of Legal Aid as provided by your legal aid clinic?	3	10	27	14	46
How far you think legal aid service provided by the clinic will help in emancipation of the society and marginalised people?	0	6	10	55	30
Do you think a good coordinated legal aid program can be of benefit to all stake holders?	0	14	8	18	59

LEGEND

- 1) Not a solution; 2) May be; 3) Satisfactory; 4) Exceeds Expectation; and 5) Excellent

Digitisation and coordinated legal aid program between stake holders is considered as an excellent solution by 51percent and 59 percent. While, system of Legal Aid as provided by your legal aid clinic was considered as an excellent solution too.

Himachal Pradesh

Table No. 5.6 Himachal Pradesh Solutions suggested by lawyers regarding factors pertaining to Legal Aid

STEPS TAKEN	1	2	3	4	5
	All values in percentage				
Do you think digitisation will help in better interaction with authorities and provide for speedy access to justice?	4	0	4	14	79
Do you think by linking and creating a pan India project of linking legal authorities and legal aid clinics will provide a better solution?	0	0	11	14	75
Do you think legal aid can be made a mandatory registration requirement under the Advocates Act, 1961 for registering as an advocate?	14	11	7	29	39
Do you think training from para-volunteers to paralegal as envisaged in Western countries will provide for a better legal Aid system?	11	14	18	29	29
Do you think ethical guidelines for paralegal should be created in order to protect legal aid clinics and paralegal volunteers?	4	7	14	25	50
Do you agree with the system of Legal Aid as provided by your legal aid clinic?	0	7	33	7	52
How far you think legal aid service provided by the clinic will help in emancipation of the society and marginalised people?	0	11	15	30	44
Do you think a good coordinated legal aid program can be of benefit to all stake holders?	4	11	15	7	63

LEGEND

- 1) Not a solution; 2) May be; 3) Satisfactory; 4) Exceeds Expectation; and 5) Excellent

It is surprising to note that for all the questions the majority of respondents chose the option 5 i.e. excellent. The only logical conclusion drawn

can be that since there is nothing at the ground level in the State the respondents do not have any reference or experience to give a qualified response. It seems like “whatever is done will improve the situation as presently there is nothing” is the message coming out from this table.

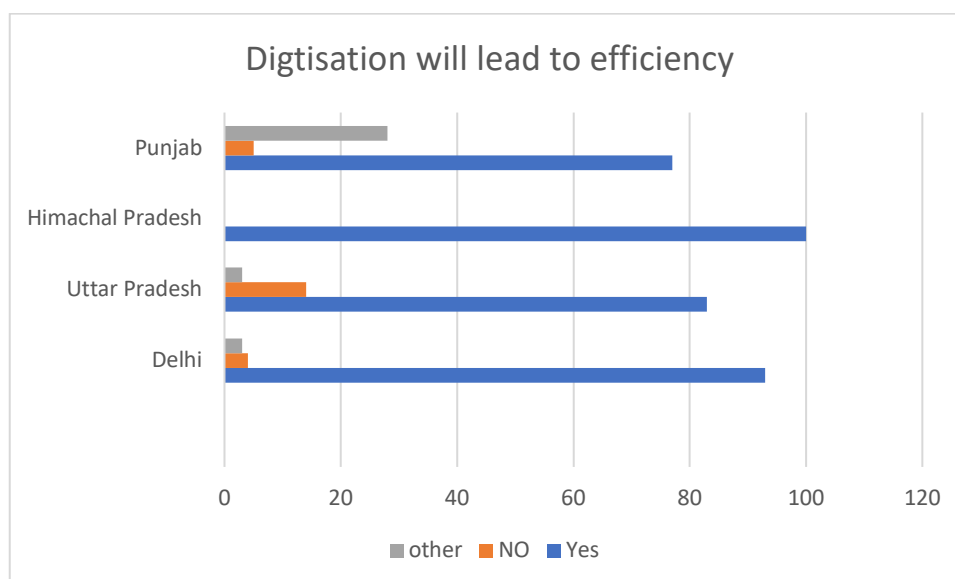
5.6.1 Digitisation is a solution to increase efficiency of legal aid clinic

As can be seen from the table and figure below, more than 95 percent of the lawyers interviewed in Delhi and Himachal Pradesh, 82 percent of the lawyers interviewed in Uttar Pradesh and 58 percent of the lawyers interviewed in Punjab agree that digitisation is a solution to increase efficiency of legal aid clinic.

Table 5.6.1 Digitisation is a solution to increase efficiency of legal aid clinic

Digitisation of legal aid clinics will increase their efficiency	Yes	NO	other
Delhi	93	4	3
Uttar Pradesh	83	14	3
Himachal Pradesh	100	0	0
Punjab	77	5	28

Fig. 5.6.1 Digitisation is a solution to increase efficiency of legal aid clinic



5.7 CONCLUSION

Scope of coverage

There is a need to promote the use of digital communication by Legal Aid lawyers to communicate with target groups in all states, the maintenance of records by legal aid lawyers also needs to be encouraged in the state of Himachal Pradesh. Involvement of legal aid lawyers in Law Reform Activity and in providing legal aid for Public Interest Litigations is abysmally low in all states. Involvement of legal aid lawyers in Alternative Dispute Resolution is also very low in Delhi, Punjab and Himachal Pradesh. Efforts need to be made to encourage expanding the scope of services provided by legal aid lawyers through training programs for lawyers encouraging their involvement in the above stated activities, while also promoting the use of digital communication and maintenance of records.

Efficiency

Lawyers overall appear to be satisfied with the working of the legal aid clinics and their ability to cater to the genuine needs of the litigants, by providing the lawyers an effective means to address the needs of the litigants.

Challenges

Financial impediment is seen as a challenge to effective legal aid by a substantial number of lawyers especially in the State of Uttar Pradesh. Efforts to address the same can be made by ensuring adequate availability of funds with the legal aid clinics through a centralized system. Lack of specific roadmap by BCI relating to legal aid is also seen as a challenge by all States except Himachal Pradesh and guidelines should be issued by BCI specifying mode and manner of involvement of law schools in legal aid programs. Absence of credit points for legal aid cells is considered a challenge by all States and credits must be introduced for legal aid cells. Legal Aid should be allowed to be undertaken against optional course credits in LL.B. and LL.M. courses.

Uttar Pradesh and Punjab

Paralegal restriction of students and faculty representing clients in court is seen as a challenge in Uttar Pradesh and Punjab. Measures such as special registration of faculty and students with courts for the purpose of representing legal aid cases may be considered. Lack of full time students and designated faculty is also seen as a challenge in Uttar Pradesh and Punjab and the same can be addressed through including legal aid in the Legal Education curriculum in a more substantial manner. Lack of support of State Bar Councils and judiciary is seen as a challenge in Uttar Pradesh and Punjab and efforts can be made for involvement of the State Bar Councils and State Judiciary through directions by the Central Government, including creation/revival of legal aid committee under the supervision of each High Court. Curriculum/ coursework restriction is considered a challenge in Uttar Pradesh and Punjab and the same can be addressed through allowing legal aid to be undertaken as an optional course credit in LL.B. and LL.M. courses. Quality of student volunteers is also seen as a challenge and the same can be improved by undertaking training programs for students involved in legal aid programs.

Delhi and Uttar Pradesh

Lack of training and capacity development of faculty is considered as a challenge to providing legal aid effectively by more than 50 percent respondents in Delhi and Uttar Pradesh and the same can be addressed through training programs for capacity development of faculty.

Solutions

Digitisation as a solution to improve efficiency and cost effectiveness is accepted by majority respondents in all states and efforts to digitize legal aid clinics must be undertaken immediately including though conducting training programs for stakeholders and creating the necessary software through a centralized system. Majority of lawyers agree that a Pan India project of Linking legal authorities and legal aid clinics and creation of a coordinated legal aid

program would be effective and efforts need to be undertaken for the same including by creating the necessary software. The Central Government should also consider making Legal Aid Cell mandatory under Advocates Act, 1961. Training from para-volunteers to paralegal along with ethical guidelines and training should also be undertaken. A centralised training program can be designed for this purpose.

Part-VI

Stakeholder Analysis of Litigants

1. Delhi
2. Punjab
3. Uttar Pradesh
4. Himachal Pradesh

6. INTRODUCTION

The questionnaire on legal aid for litigants had questions relating to four different aspects:

1. Awareness relating to legal aid,
2. Effectiveness of legal aid programs,
3. Challenges faced by litigants in relation to legal aid and
4. Solutions proposed by litigants to making legal aid more effective and accessible.

Each of these aspects has been studied and the data analysed to suggest meaningful reforms. Awareness regarding legal aid is one of the key ingredients of effective legal aid and to evaluate the awareness regarding legal aid in one of its key stakeholders, that is the litigants, the questionnaire focused on evaluating the awareness regarding various facets of legal aid amongst litigants. The second aspect evaluated by the questionnaire, related to the effectiveness of the legal aid system according to the litigants. These included questions related to effectiveness of legal literacy camps and the infrastructure of Legal Aid Cells. The third aspect evaluated by the questionnaire, related to the challenges faced by litigants for obtaining legal aid. These included challenges posed by poverty and difficulty in finding experienced lawyers. The fourth aspect evaluated by the questionnaire related to solutions for increasing efficiency of obtaining legal aid for the litigants. These included questions relating to digitisation, pan India project of linking authorities and Legal Aid Cells. The litigants were asked to evaluate the recommended solutions to the present problems in the legal aid system as per their experience.

The number of litigants who responded to the questionnaire was 48 litigants in Delhi, 36 litigants in Uttar Pradesh and 10 litigants in Punjab. Having regard to this unequal number of respondents all data has been represented in percentage instead of number of respondents to enable effective comparison

of responses. Fraction of percentages have been rounded off to the nearest whole number.

Table No. 6.1: All States: Number of Respondents

Name of the State	Litigants
Delhi	48
Himachal Pradesh	0
Punjab	10
Uttar Pradesh	36
Total	94

Himachal Pradesh while a part of the overall research failed to provide any litigants willing to answer the questionnaire regarding legal aid. This was partially due to the smaller number of litigants overall in Himachal Pradesh and partially due to the lack of awareness regarding legal aid. The lack of accessibility to Legal Aid Cells due to the hilly terrain of the State cannot be ruled out.

The data comparison of the responses of the litigants regarding the four aspects enumerated above have been analysed and discussed below.

6.1 Awareness

6.1.1 Awareness amongst litigants regarding the Legal Service Authority Act, 1987

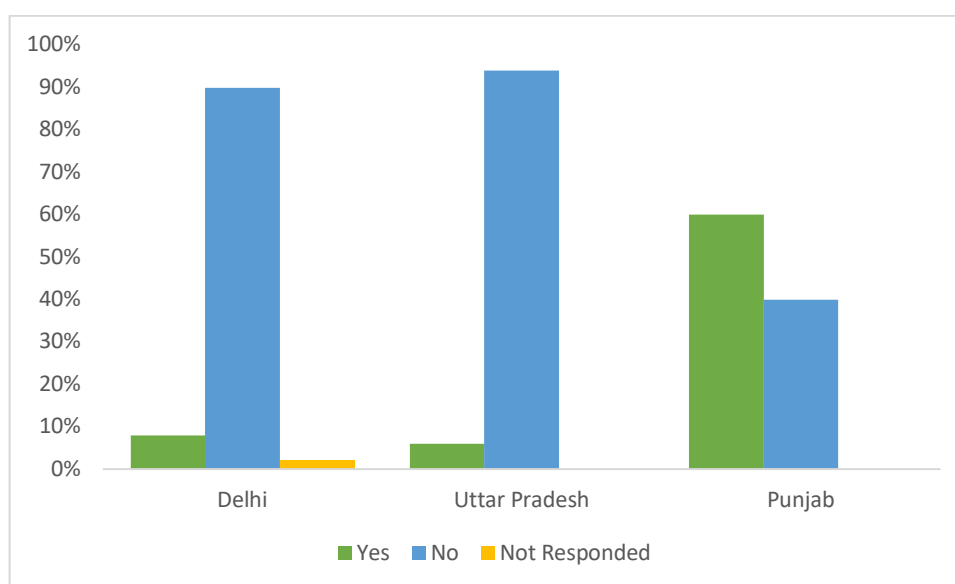
The analysis of the data shows that the litigants in Delhi and Uttar Pradesh were not aware of the Legal Services Authority existing in their respective States. 90 percent respondents in Delhi and 94 percent respondents in Uttar Pradesh were not aware of the legislation (Legal Services Authorities Act, 1987). In Punjab the situation was a little different. 60 percent respondents were aware of the legislation. This reflects that the awareness quotient is higher in Punjab. It is noteworthy to mention that the awareness in Punjab exceeded

the national capital. The data is tabulated below and also represented in the Bar diagram.

Table 6.1.1 Awareness amongst litigants regarding the Legal Service Authority Act

Awareness amongst litigants regarding the Legal Service Authority Act, 1987	Delhi	Uttar Pradesh	Punjab
	(All figures in %)		
Yes	8	6	60
No	90	94	40
Not Responded	2	0	0

Fig. 6.1.1 Awareness amongst litigants regarding Legal Service Authority Act



6.1.2 Awareness amongst litigants regarding the eligibility criteria for free Legal Aid

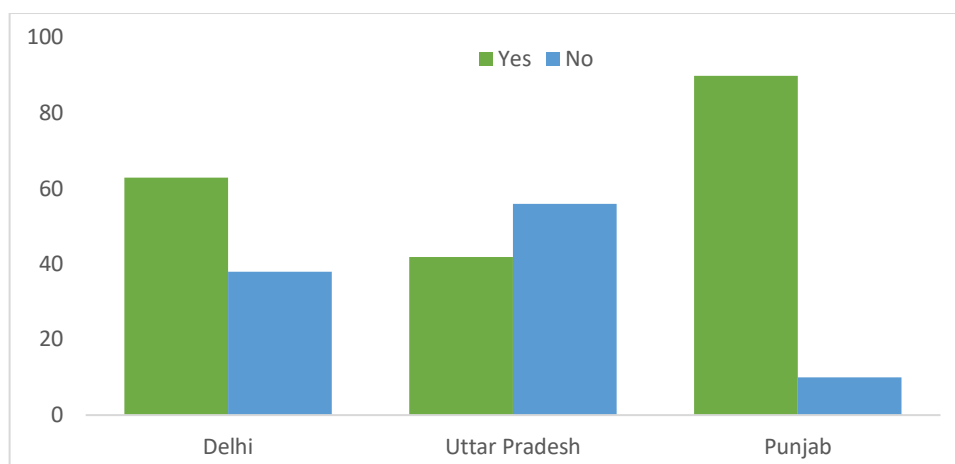
The data was analysed to find out whether the respondents were aware of the concept of free legal aid. The respondents were interviewed either in courts or the offices of the legal services authority. All the respondents had a

fair expectation for legal help. The respondents were aware that the government and the concerned authorities have provisions to provide legal aid to the needy. The knowledge and awareness regarding eligibility criteria and the process thereof to take benefit was poor. In the State of Delhi, 37 percent of the respondents did not have any awareness regarding the eligibility criteria for free legal aid. The situation in the State of Uttar Pradesh was even worse. 56 percent of the respondents interviewed in Uttar Pradesh did not have any awareness regarding the eligibility criteria for free Legal Aid. In this case also the State of Punjab fared better. 90 percent of the respondents in Punjab were aware of the eligibility criteria. The respondents had knowledge but no clarity and many respondents seemed to be partially aware.

Table 6.1.2 Awareness amongst litigants regarding the eligibility criteria for free Legal Aid

Awareness amongst litigants regarding the eligibility criteria for free legal aid	Delhi	Uttar Pradesh	Punjab
	(All figures in %)		
Yes	63	44	90
No	37	56	10

Fig. 6.1.2 Awareness amongst litigants regarding the eligibility criteria for free Legal Aid



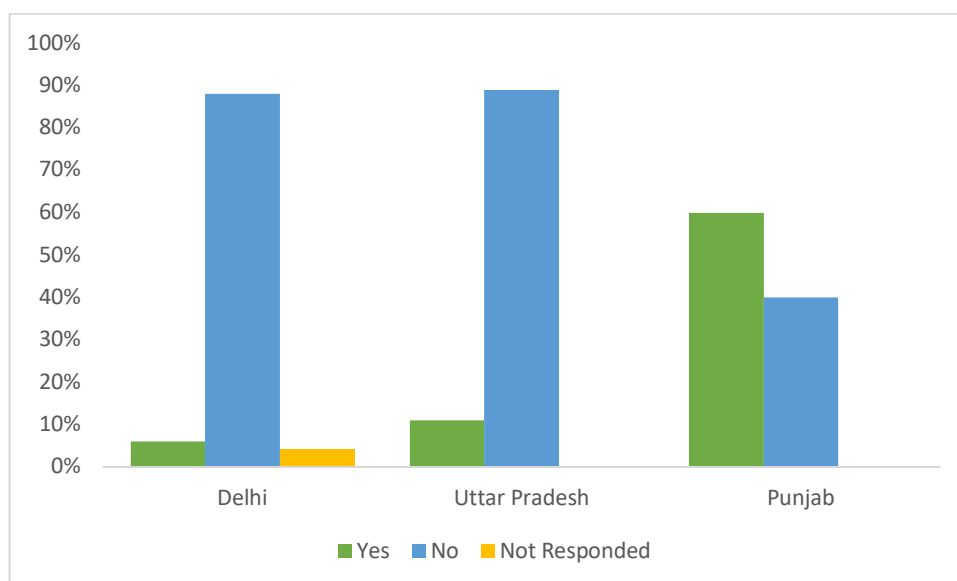
6.1.3 Awareness amongst litigants regarding the provisions of Article 39A and Article 21 of the Constitution

The respondents were also asked specific questions about awareness of their Fundamental Rights (Article 21- Right to Life and Personal liberty) and more importantly about their knowledge about Right to Legal Aid (Article 39A). It was saddening to note that the respondents had absolutely no idea about their fundamental rights, nor did they know any process by which they could gain knowledge. 90 percent of the respondents interviewed in Delhi and 89 percent Uttar Pradesh did not have any awareness regarding the provisions of Article 39A and Article 21 of the Constitution. Awareness in Punjab was higher. 60 percent of the respondents were aware of their Constitutional Rights and only 40 percent of the respondents did not have any awareness regarding the provisions of Article 39A and Article 21 of the Constitution.

Table 6.1.3 Awareness amongst litigants regarding the provisions of Article 39A and Article 21 of the Constitution

Awareness amongst litigants regarding the provisions of Article 39A and Article 21 of the Constitution	Delhi	Uttar Pradesh	Punjab
	(All figures in %)		
Yes	6	11	60
No	90	89	40
Not Responded	4	0	0

Fig. 6.1.3 Awareness amongst litigants regarding the provisions of Article 39A and Article 21 of the Constitution



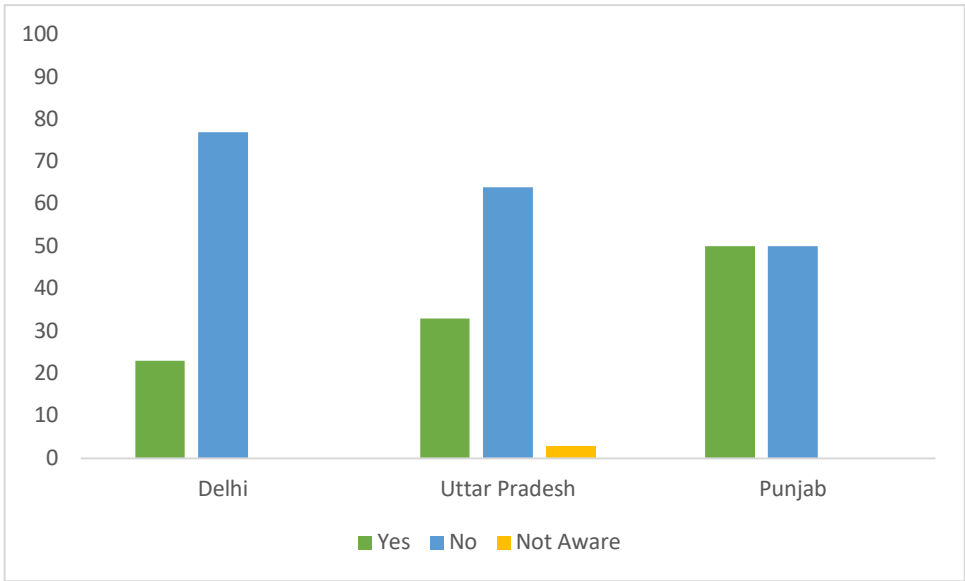
6.1.4 Attendance in legal awareness or literacy camps conducted by Law Schools/ Legal Service Authority

The analysis of the data reflects that 77 percent of the respondents in Delhi and 64 percent of the respondents in Uttar Pradesh had not attended any legal awareness or literacy camps. Similarly, 50 percent of the respondents in Punjab had not attended any legal awareness or literacy camps. This analysis shows that a disconnect exists between the Law schools, Legal Service Authority and the general population.

Table 6.1.4 Attendance in legal awareness or literacy camps

Litigants having attended any legal awareness or literacy camps	Delhi	Uttar Pradesh	Punjab
	(All figures in %)		
Yes	23	33	50
No	77	64	50
Not Aware	0	3	0

Fig. 6.1.4 Attendance in legal awareness or literacy camps



6.1.5 Source of awareness amongst litigants regarding Legal Aid Services

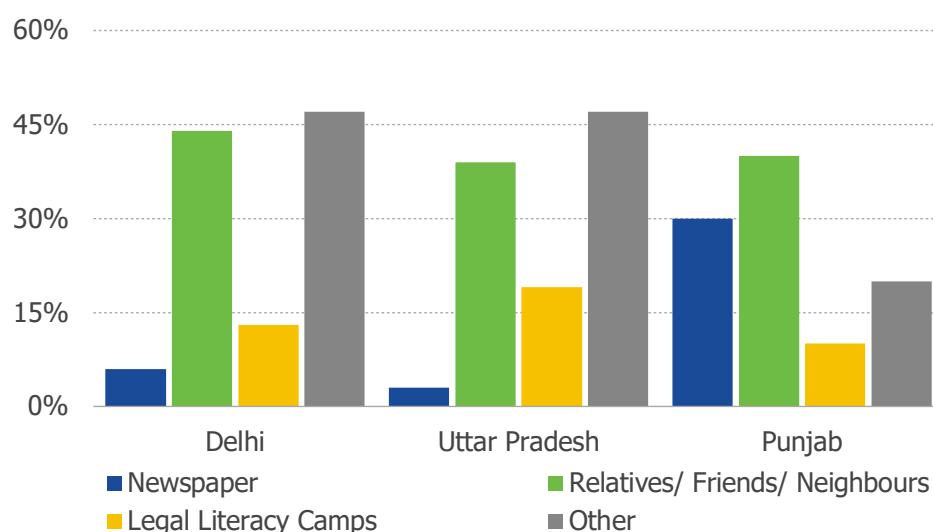
The respondents were asked about their source of awareness of the existence of facility of legal aid. The responses reflected that law schools and authorities had a very small role. People gained more awareness from word of mouth. 44 percent of the respondents in Delhi, 40 percent respondents in Uttar Pradesh and 40 percent of the respondents in Punjab came to know about the concept of legal aid through their friends, relatives and neighbours. 13 percent of the respondents in Delhi, 20 percent in Uttar Pradesh and 10 percent of the respondents in Punjab came to know about legal aid through legal literacy camps. 6 percent of the respondents in Delhi, 30 percent in Punjab and only 3 percent respondents in Uttar Pradesh came to know about legal aid through newspapers. It clearly reflects that there is a need for law schools to reach out to the general masses. The legal awareness camps conducted are not able to reach the population effectively. The awareness has to be created by proper and structured advertisement. The Legal Aid Programmes conducted in the

current fashion are not being effective. Interaction with respondents revealed that they received information either by their own efforts like online search or interaction with colleagues. The respondents have also stated that the information about a system of legal aid is acquired through random sources like Mahila Aayog, interaction with court staff or even their interaction with Police Authorities. Some respondents have also confirmed that they had gained knowledge in the form of help by court staff or an advice by the judge or private lawyers or even Jail Staff. All these responses have been clubbed under the head 'others'. Question relating to source of awareness (Question N. 14) allowed multiple answers from respondents thus in Table 7.1.5 the total exceeds 100 percent since respondents have marked multiple sources as source of awareness.

Table 6.1.5 Source of awareness amongst litigants regarding Legal Aid Services

Source of awareness amongst litigants regarding Legal Aid Services	Delhi	Uttar Pradesh	Punjab
	(All figures in %)		
Newspaper	6	3	30
Relatives/ Friends/ Neighbours	44	40	40
Legal Literacy Camps	13	20	10
Other	47	47	20

Fig. 6.1.5 Source of awareness amongst litigants regarding Legal Aid Services



6.2 Effectiveness

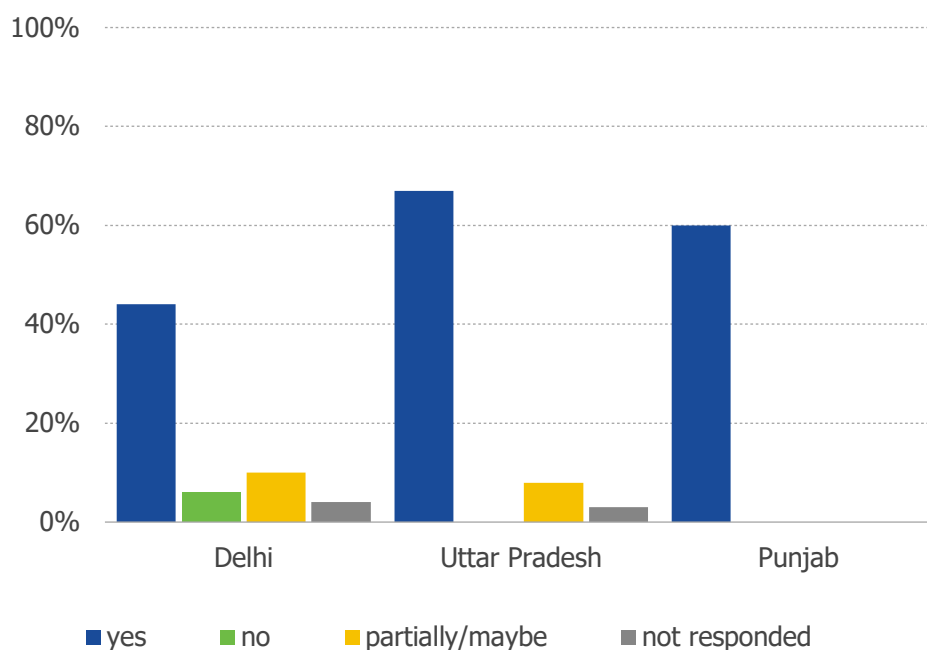
6.2.1 Role of literacy/awareness camps in increasing awareness about legal rights of citizen

The discussion above regarding awareness, rates the family friends and neighbours as the highest source of awareness. It can therefore be indirectly concluded that the literacy camps are effective partially. This kind of awareness is not reaching the entire population but the results are encouraging in the face of vastness and diversity. As can be seen from the analysis below, 67 percent of the respondents from Uttar Pradesh, 60 percent respondents in Punjab and 44 percent of the respondents in Delhi agreed that literacy/awareness camps are effective in increasing awareness about legal rights of the citizens of the country. From the interaction with the respondents it could be inferred that either the respondents had received information and awareness from literacy awareness camps or their friends, neighbours or relatives had attended such camps.

Table 6.2.1 Role of literacy/awareness camps in increasing awareness about legal rights of citizen

Are legal literacy/awareness camps helpful in increasing awareness about legal rights of citizen?	Delhi	Uttar Pradesh	Punjab
	(All figures in %)		
Yes	44	67	60
No	6	0	0
Partially/Maybe	10	8	0
Not Aware	35	22	40
Not Responded	5	3	0

Fig. 6.2.1 Role of literacy/awareness camps in increasing awareness about legal rights of citizen



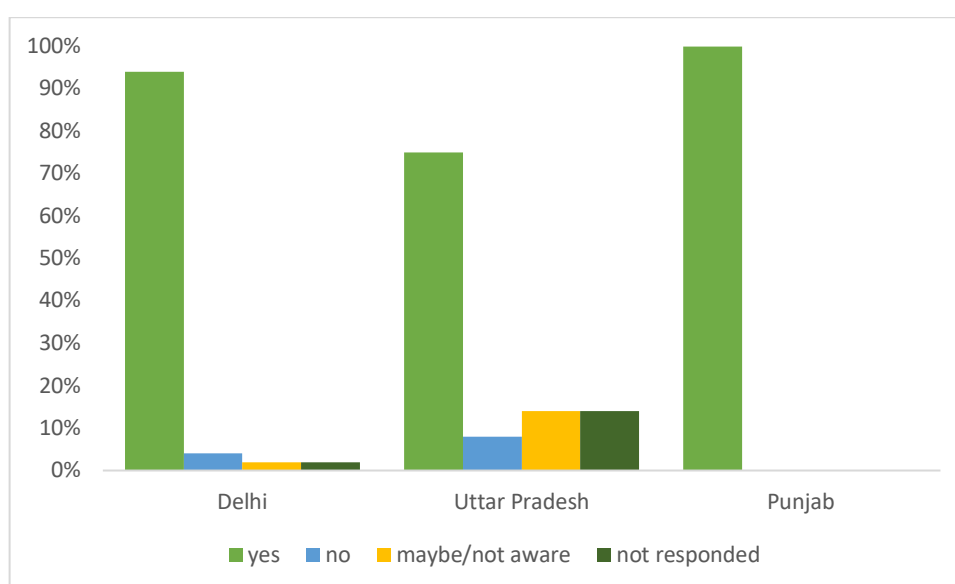
6.2.2 Effectiveness of free legal aid for reasonable, fair and just procedure in law.

It is rightly felt and also supported by analysis of data collected that free legal aid could help the people in need and lead to a fair and just procedure of law. All respondents in Punjab answered in affirmative that effective system of free legal aid shall result in establishment of rule of law. 94 percent of the respondents in Delhi and 75 percent of the respondents in Uttar Pradesh agreed that free legal aid is an essential ingredient for reasonable, fair, and just procedure of law. 2 percent respondents in Delhi and 14 percent in Uttar Pradesh were not sure. This reflects their lack of awareness. In the State of Punjab, the respondents had clarity of thought which was the result of complete awareness about their legal rights.

Table 6.2.2 Effectiveness of free legal aid for reasonable, fair, and just procedure of law

Is free legal aid an essential ingredient of reasonable, fair, and just procedure for an accused?	Delhi	Uttar Pradesh	Punjab
	(All figures in %)		
Yes	94	75	100
No	4	8	0
Maybe/Not Aware	2	14	0
Not Responded	0	3	0

Fig. 6.2.2 Effectiveness of free legal aid for reasonable, fair, and just procedure of law



6.2.3 Effective Infrastructure in Legal Aid Cells

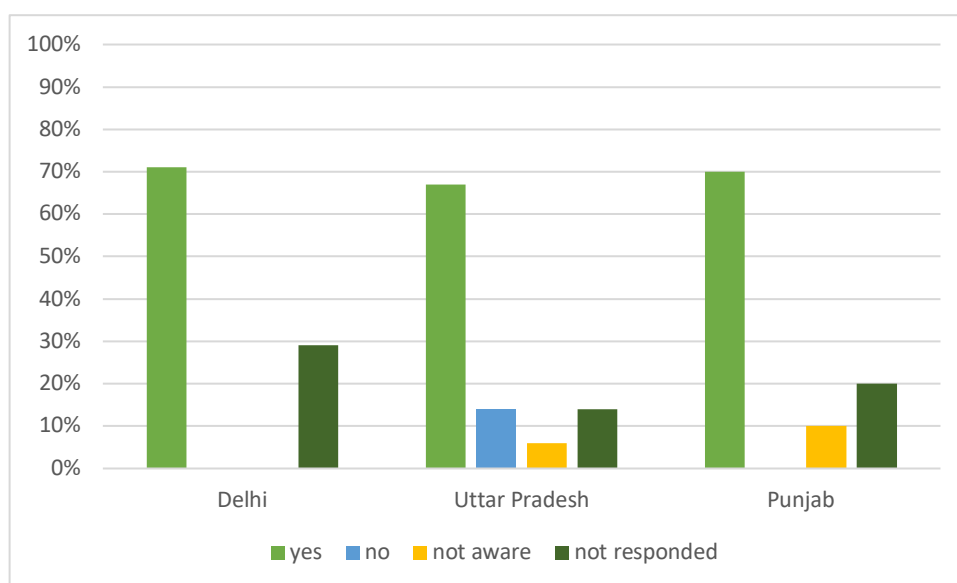
An effective infrastructure of Legal Aid Cells in law schools can disseminate information in a better way. 71 percent of the respondents in Delhi and 70 percent respondents in Punjab and 66 percent of the respondents in Uttar Pradesh agreed that good infrastructure in Legal Aid Cells was effective.

Only 14 percent of the respondents in Uttar Pradesh stated that the Legal Aid Cells did not have good and effective infrastructure. This is also a reflection of the economic condition of the State. Litigants who had access to legal aid felt positive and good about the institution that provided them with help. Other respondents judged the effectiveness of the infrastructure by its outreach.

Table 6.2.3 Effective Infrastructure in Legal Aid Cells

Is the infrastructure of the Legal Aid Cell good?	Delhi	Uttar Pradesh	Punjab
	(All figures in %)		
Yes	71	66	70
No	0	14	0
Not Aware	0	6	10
Not Responded	29	14	20

Fig. 6.2.3 Effective Infrastructure in Legal Aid Cells



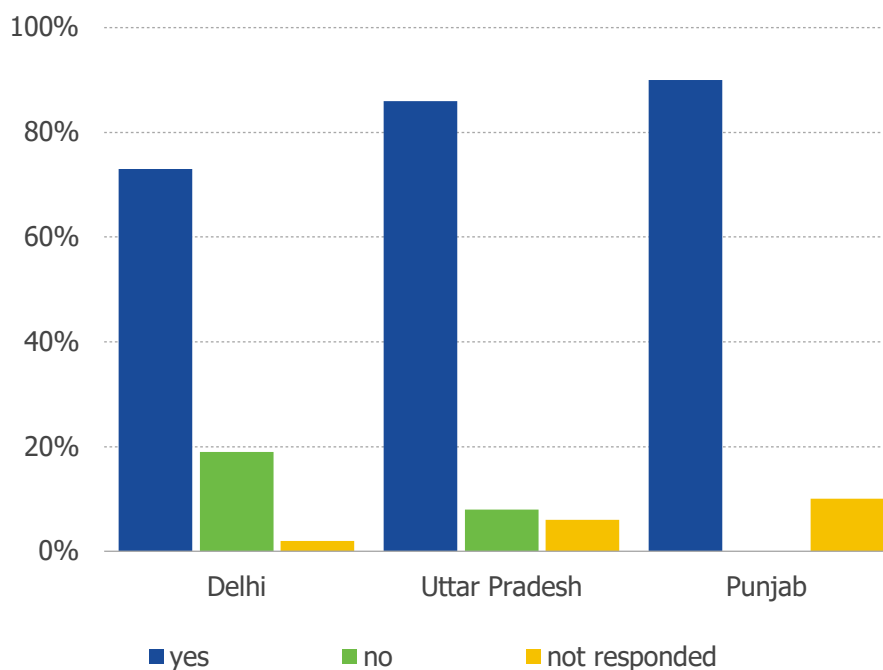
6.2.4 Effectiveness of Lawyers to address genuine needs of litigants

All the respondents had a positive feedback for the lawyers to provide legal aid. 73 percent of the respondents in Delhi, 86 percent of the respondents in Uttar Pradesh and 90 percent of the respondents in Punjab informed that empanelled lawyers took interest in providing legal assistance and advice.

Table 6.2.4 Effectiveness of Lawyers to address genuine needs of litigants

Whether the lawyers are able to cater to the genuine needs of the litigants?	Delhi	Uttar Pradesh	Punjab
	(All figures in %)		
Yes	73	86	90
No	19	8	0
Not Aware	6	6	0
Not Responded	2	0	10

Fig. 6.2.4 Effectiveness of Lawyers to address genuine needs of litigants



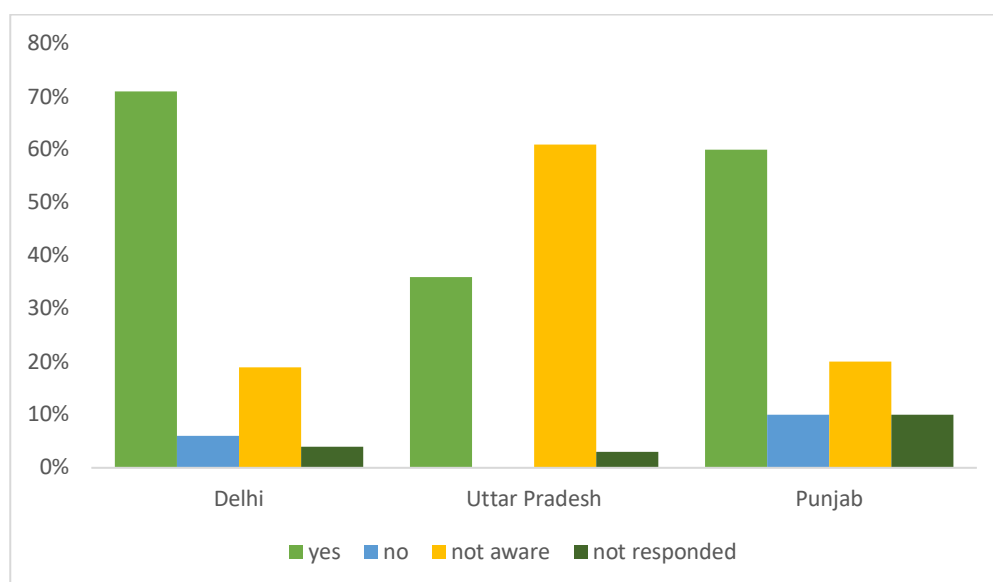
6.2.5 Effectiveness of Lok Adalat System in providing speedy justice

Lok Adalat system also received a positive feedback. 71 percent of the respondents in Delhi and 60 percent of the respondents in Punjab affirmed that Lok Adalat System has been successful in providing door-step speedy justice to down-trodden. However, 61 percent of the respondents in Uttar Pradesh were not aware of Lok Adalat system. This reflects that masses in the State of Uttar Pradesh were not aware of this alternative

Table 6.2.5 Effectiveness of Lok Adalat System in providing speedy justice

How far has Lok Adalat System been successful in providing door-step speedy justice to down-trodden?	Delhi	Uttar Pradesh	Punjab
	(All figures in %)		
Yes	71	36	60
No	6	0	10
Not Aware	19	61	20
Not Responded	4	3	10

Fig. 6.2.5 Effectiveness of Lok Adalat System in providing speedy justice



6.2.6 Effectiveness of the Legal Aid Cells

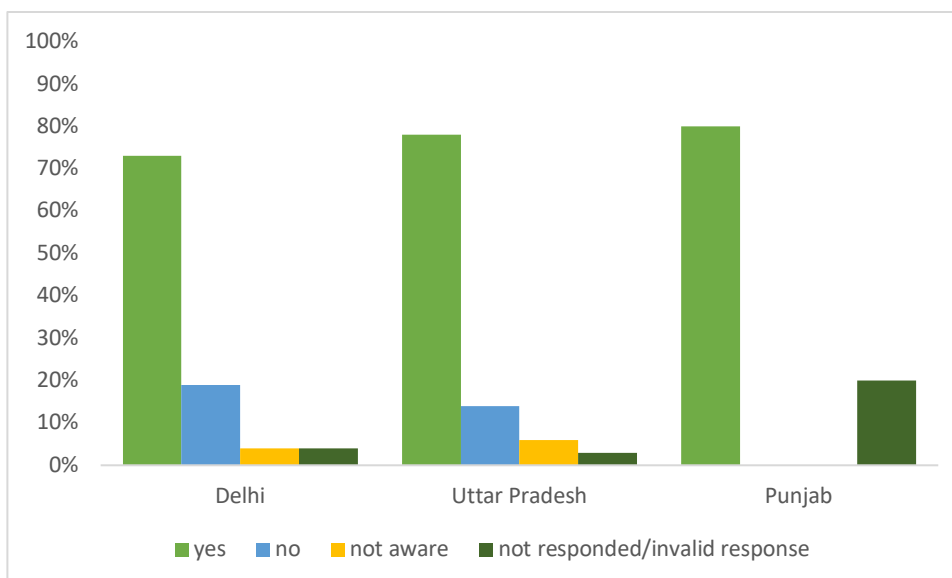
Great anomaly was noticed in the responses in the State of Uttar Pradesh. There is great mismatch between the responses provided about awareness in point no 6.1.1, 6.1.2, 6.1.3 and 6.1.4 and their corresponding tables. Only 6 percent respondents in Uttar Pradesh are aware of the National Legal Services Authority Act (Table 6.1.1) Only 11 percent respondents in Uttar Pradesh are aware of provisions of Article 39 A and Article 21 of the Constitution (Table 6.1.3). Only 44 percent respondents are aware of eligibility criteria of legal aid (Table 6.1.2). 64 percent respondents in Uttar Pradesh have not

attended any legal aid camps (Table 6.1.4). In the Table 6.2.6 given below 77 percent respondents from Uttar Pradesh feel that Legal Aid Cells are effective. It can be inferred that due to lack of awareness the respondents could not provide true answers to the specific queries like effectiveness of Legal Aid Cells. They were explained the difference between the Legal Aid Cells and the legal system but the responses were very general. As can be seen from the table and figure below, more than 73 percent of the respondents in Delhi and 80 percent of the respondents in Punjab were satisfied with the functioning of the Legal Aid Cells. Only 19 percent of the respondents in Delhi and 20 percent of the respondents in Punjab felt the functioning to be unsatisfactory.

Table 6.2.6 Effectiveness of the Legal Aid Cells

Are you satisfied with the functioning of the Legal Aid Cell?	Delhi	Uttar Pradesh	Punjab
	(All figures in %)		
Yes	73	77	80
No	19	14	0
Not Aware	4	6	0
Not Responded/Invalid Response	4	3	20

Fig. 6.2.6 Effectiveness of the Legal Aid Cells



6.3. Challenges

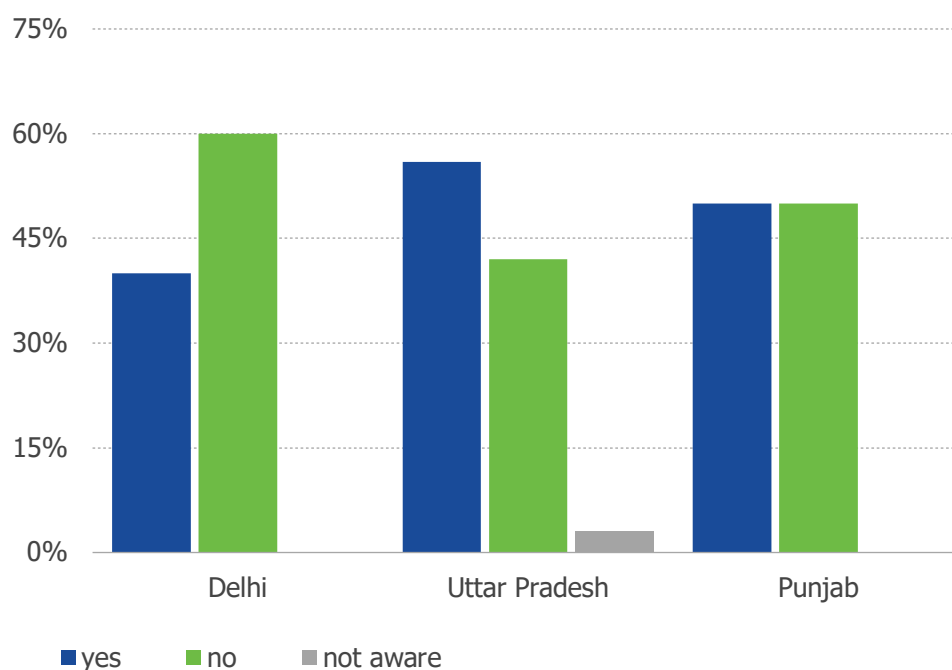
6.3.1 Challenges faced in obtaining Legal Aid

Litigants in all the States faced challenges in obtaining legal help. 56 percent of the respondents in Uttar Pradesh and 50 percent respondents in Punjab and 40 percent of the respondents in Delhi faced challenges in obtaining legal aid. The figures show that most of the population or to precisely say that half the population of litigants faces numerous challenges in obtaining legal aid.

Table 6.3.1 Challenges faced in obtaining Legal Aid

Challenges faced in obtaining legal aid	Delhi	Uttar Pradesh	Punjab
	(All figures in %)		
Yes	40	56	50
No	60	42	50
Not aware	0	2	0

Fig. 6.3.1 Challenges faced in obtaining Legal Aid



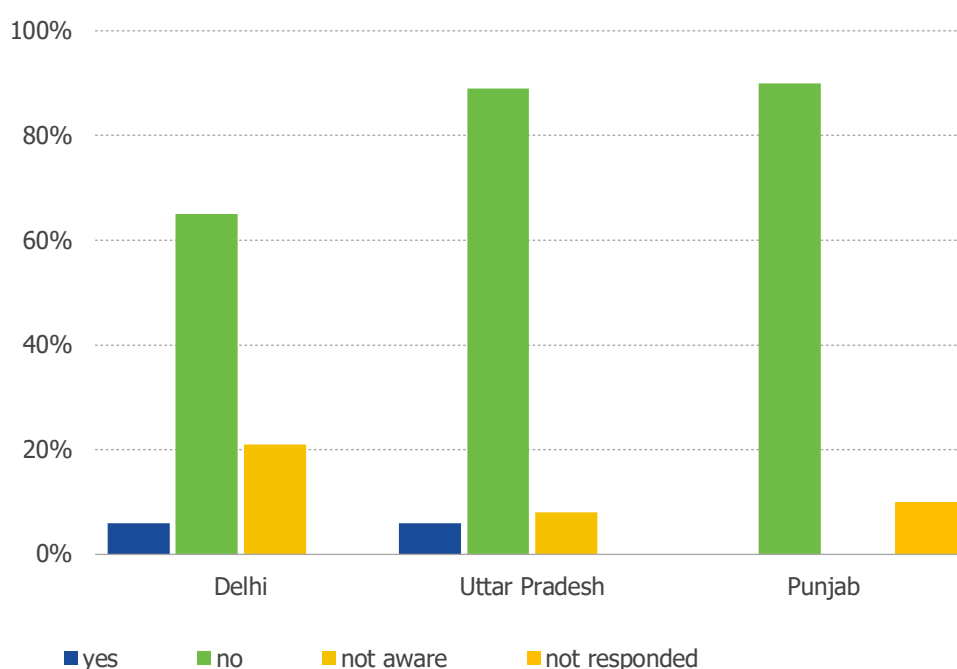
6.3.2 Challenges in getting experienced lawyers to handle Legal Aid matters

The analysis of this data reflects that our country has no dearth of experienced legal professionals who are ready to help the masses. 89 percent of the respondents in Uttar Pradesh, 90 percent of the respondents in Punjab and 64 percent of the respondents in Delhi did not face any challenges in getting experienced lawyers to handle their legal matters.

Table 6.3.2 Challenges in getting experienced lawyers to handle Legal Aid matters

Litigants who faced challenges in getting experienced lawyers to handle legal aid matters	Delhi	Uttar Pradesh	Punjab
	(All figures in %)		
Yes	6	3	0
No	64	89	90
Not Aware	21	8	0
Not Responded/invalid response	4	0	10

Fig. 6.3.2 Challenges in getting experienced lawyers to handle Legal Aid matters



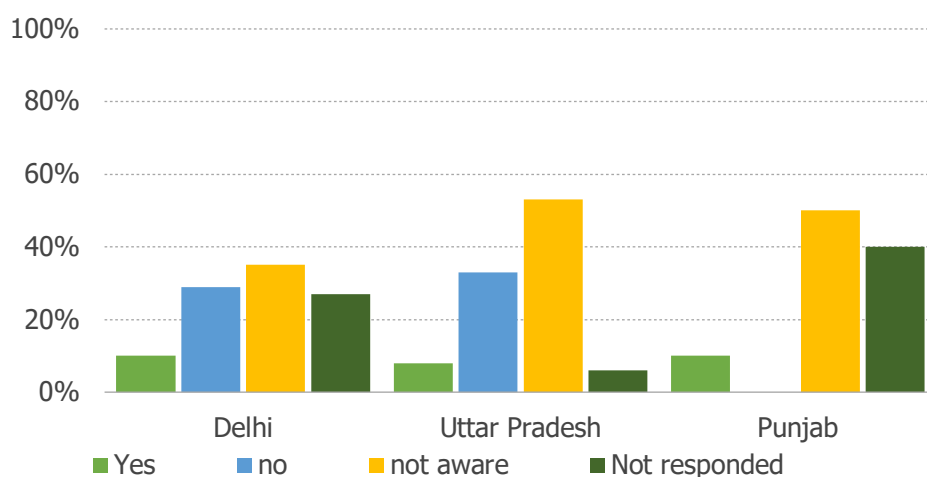
6.3.3 Challenges in receiving Legal Aid for Public Interest Litigation

After the analysis of this data it was felt that common people are not aware of the concept of Public Interest Litigation. In the States that had awareness, they were also able to get aid for Public Interest Litigation. 10 percent of the respondents in Delhi and Punjab and 8 percent of the respondents in Uttar Pradesh, faced challenges in receiving legal aid for Public Interest Litigations. Whereas, more than 53 percent of the respondents in Uttar Pradesh, 50 percent respondents in Punjab and 34 percent of the respondents in Delhi were not aware of the challenges in receiving legal aid for Public Interest Litigation. This reflects that though the awareness is spreading, there is still lot to be done in even the National Capital to create awareness.

Table 6.3.3 Challenges in receiving Legal Aid for Public Interest Litigation

Challenges in receiving legal aid for Public Interest Litigations	Delhi	Uttar Pradesh	Punjab
	(All figures in %)		
Yes	10	8	10
No	29	33	0
Not Aware	34	53	50
Not Responded	27	6	40

Fig. 6.3.3 Challenges in receiving Legal Aid for Public Interest Litigation



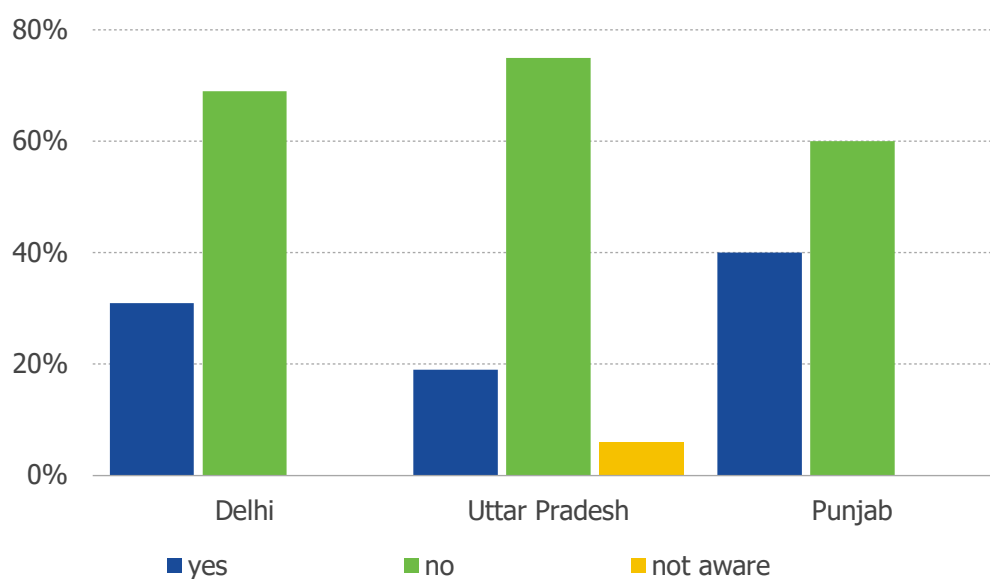
6.3.4 Use of Digital Communication with Lawyers

The respondents were questioned about the use of Digital Communication with lawyers. Interaction revealed that social media was not very popular in remote areas of Uttar Pradesh. As can be seen from the table and figure below, more than 69 percent of the respondents in Delhi, 60 percent respondents in Punjab and 75 percent of the respondents in Uttar Pradesh did not use digital communication with lawyers. In Uttar Pradesh 6 percent of the respondents were not even aware about this kind of communication system. The respondents were not comfortable with any kind of social media usage.

Table 6.3.4 Use of digital communication with Lawyers

Use of digital communication with lawyers	Delhi	Uttar Pradesh	Punjab
	(All figures in %)		
Yes	31	19	40
No	69	75	60
Not Aware	0	6	0

Fig. 6.3.4 Use of Digital Communication with lawyers



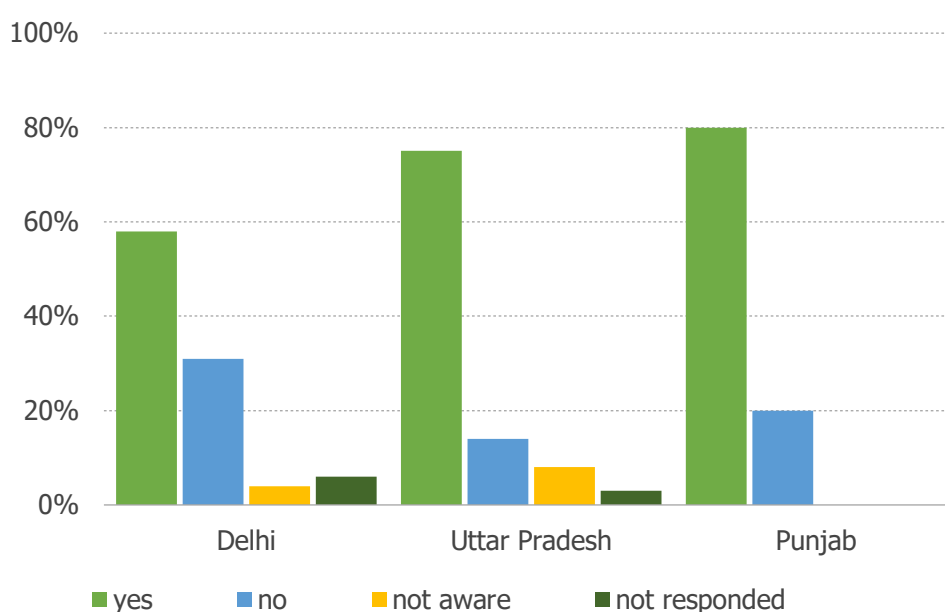
6.3.5 Challenges in availing justice due to economic status

Economic system was a severe impediment for the litigants to avail legal aid. Even in the State of Punjab which recorded highest awareness of rights, economic status was felt as an important factor for receiving legal aid. 75 percent of the respondents in Uttar Pradesh, 80 percent respondents in Punjab and 59 percent of the respondents in Delhi, faced challenges in availing justice due to economic status.

Table 6.3.5 Challenges in availing justice due to economic status

Challenges in availing justice due to economic status	Delhi	Uttar Pradesh	Punjab
	(All figures in %)		
Yes	59	75	80
No	31	14	20
Not Aware	4	8	0
Not Responded	6	3	0

Fig. 6.3.5 Challenges in availing justice due to economic status



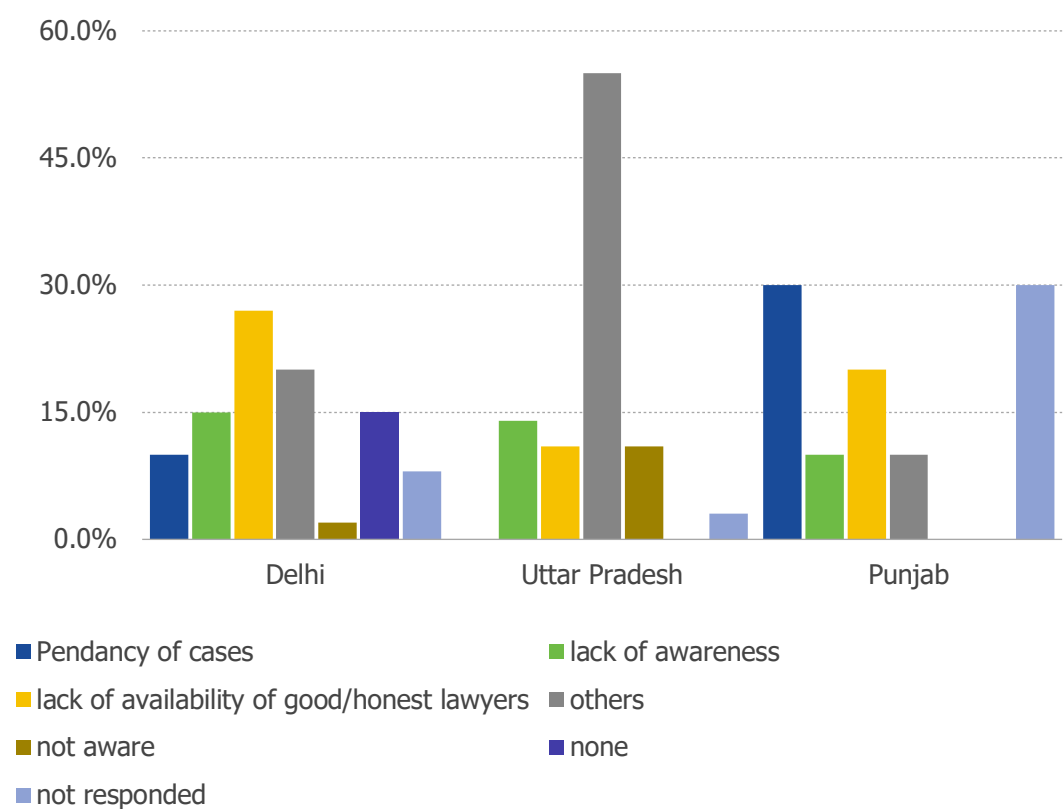
6.3.6 Major bottlenecks in Legal Aid System

Analysis of the data revealed that pendency of cases is one of the major constraints in the Legal Aid System. This was affirmed by 30 percent respondents in Punjab and 10 percent in Delhi. According to more than 10 percent litigants in all three States, lack of awareness is a major bottleneck in the Legal Aid system. More than 20 percent of respondents in Delhi and Punjab and 11 percent of the respondents in Uttar Pradesh, thought that lack of availability of good/honest lawyers was also one of the major bottlenecks in the system. Lack of availability of lawyers, inefficiency of the legal aid process, bad infrastructure, non-cooperative staff, unenthusiastic lawyers, lack of punctuality in lawyers, fake cases, callous attitude of authorities and lack of financial aid were some of the other responses given by the respondents. In Punjab one respondent even mentioned that women litigants who can afford private lawyers are taking benefit of free services and these kinds of instances are major bottlenecks. All of these responses have been clubbed under the heading 'others'.

Table 6.3.6 Major bottlenecks in Legal Aid System

Major bottlenecks in legal aid system	Delhi	Uttar Pradesh	Punjab
	(All figures in %)		
Pendency of cases	10	0	30
Lack of Awareness	15	14	10
Lack of Availability of good/honest lawyers	27	11	20
Others	23	58	10
Not Aware	2	11	0
None	15	3	0
Not Responded	8	3	30

Fig. 6.3.6 Major bottlenecks in Legal Aid System



6.4 SOLUTIONS

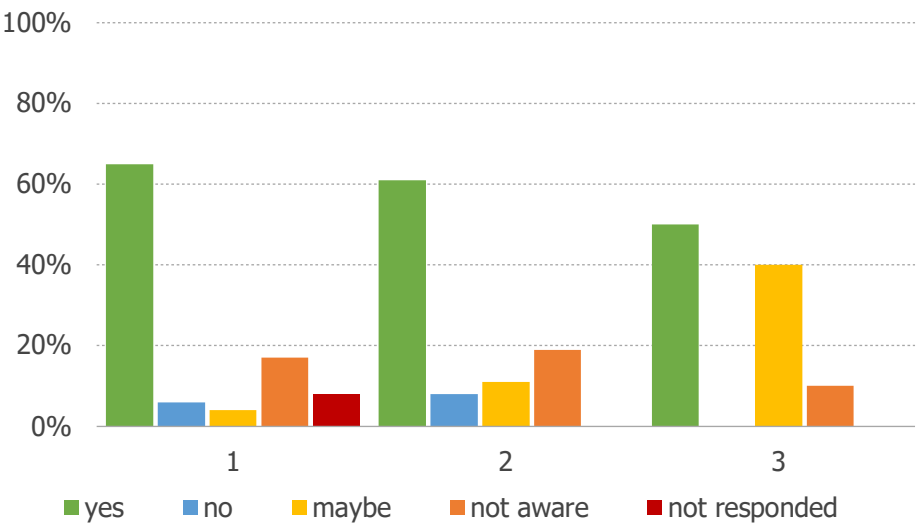
6.4.1 Digitisation as a solution to improve efficiency

65 percent of the respondents in Delhi, 50 percent respondents in Punjab and more than 61 percent of the respondents in Uttar Pradesh agreed that digitization will improve efficiency of the Legal Aid Cells. It can be inferred that though 40 percent respondents in Punjab were not sure of the road of digital communication but it could prove to be an effective solution.

Table 6.4.1 Digitisation as a solution to improve efficiency

Digitisation as a solution to improve efficiency	Delhi	Uttar Pradesh	Punjab
	(All figures in %)		
Yes	65	61	50
No	6	8	0
Maybe	4	11	40
Not Aware	17	20	10
Not Responded	8	0	0

Fig. 6.4.1 Digitisation as a solution to improve efficiency

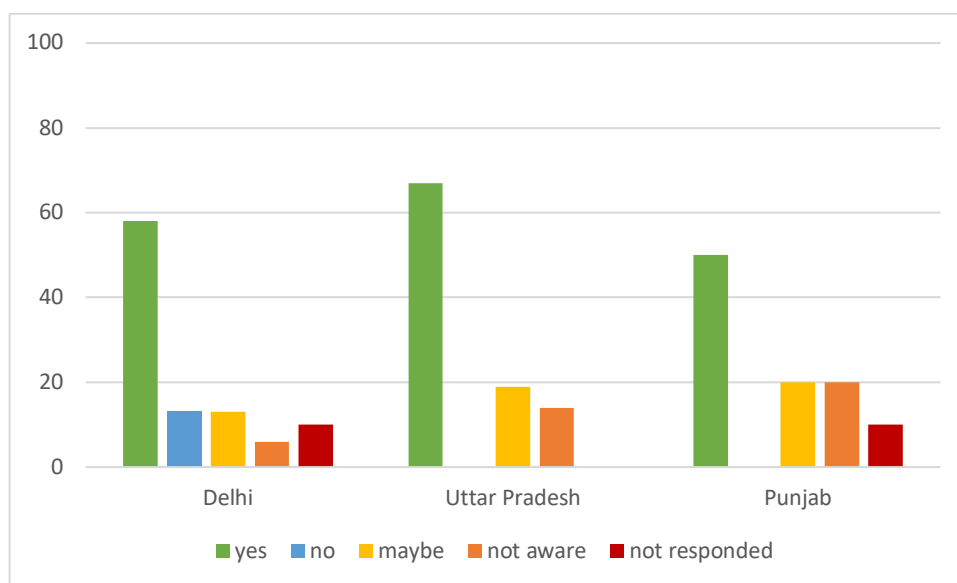


6.4.2 Digitisation as a solution to improve cost effectiveness

58 percent of the respondents in Delhi, 50 percent respondents in Punjab and 67 percent of the respondents in Uttar Pradesh agreed that digitisation will improve cost effectiveness of obtaining legal aid from Legal Aid Cells. Though almost 20 percent respondents were not sure their response could be attributed to lack of awareness and initial hesitation to adopt the digital means of communication.

Table 6.4.2 Digitisation as a solution to improve cost effectiveness

Digitisation as a solution to improve cost effectiveness	Delhi	Uttar Pradesh	Punjab
	(All figures in %)		
Yes	58	67	50
No	13	0	0
Not Aware	13	19	20
May be	6	14	20
Not Responded	10	0	10

Fig. 6.4.2 Digitisation as a solution to improve cost effectiveness

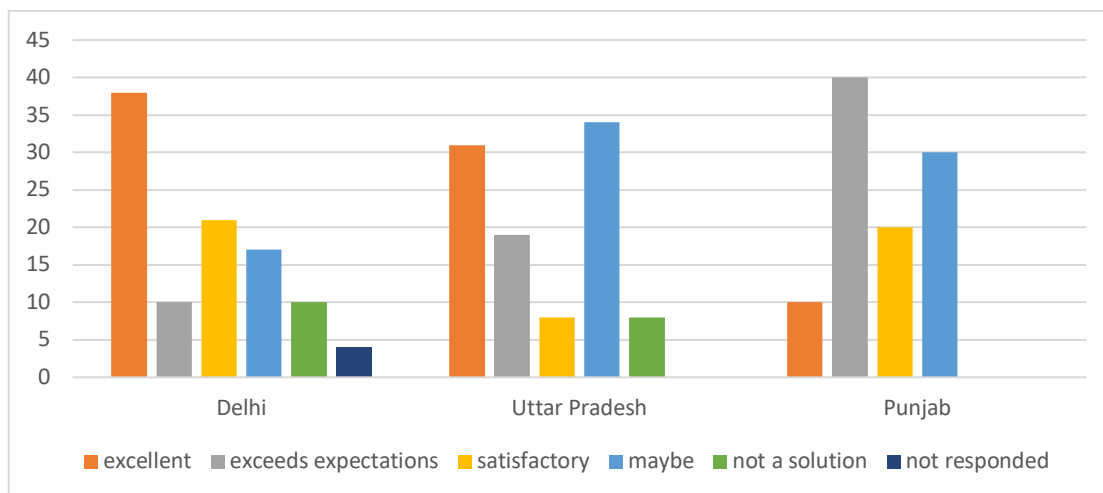
6.4.3 Digitisation as a solution to improve communication with authorities to achieve speedy justice

As can be seen from the table and figure below, almost 50 percent of the all respondents believe that digitisation as a solution can improve communication with authorities. Respondents affirmed that digitization was an excellent solution to achieve speedy justice.

Table 6.4.3 Digitisation as a solution to improve communication with authorities to achieve speedy justice

Digitisation as a solution to improve communication with authorities to achieve speedy justice	Delhi	Uttar Pradesh	Punjab
	(All figures in %)		
Excellent	38	31	10
Exceeds expectations	10	19	40
Satisfactory	21	8	20
Maybe	17	34	30
Not a solution	10	8	0
Not responded	4	0	0

Fig. 6.4.3 Digitisation as a solution to improve communication with authorities to achieve speedy justice



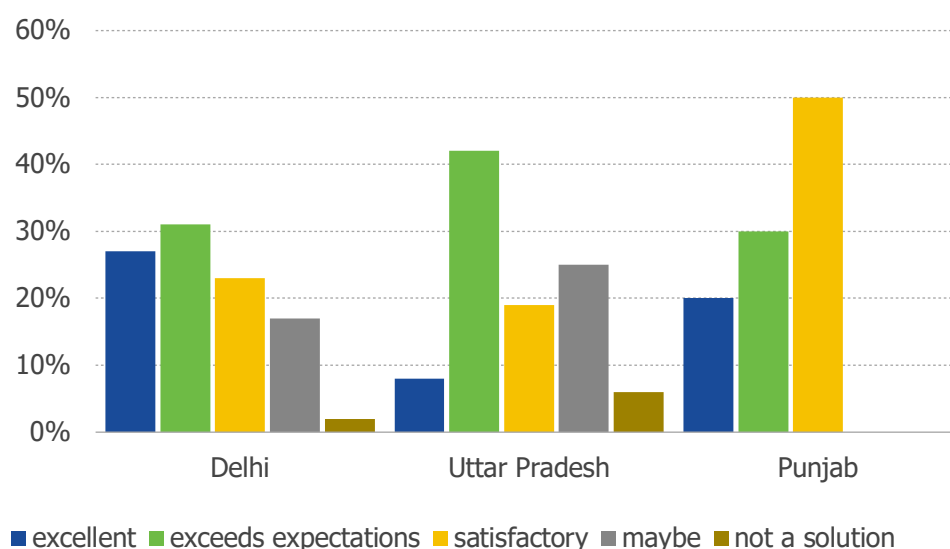
6.4.4 Creating a Pan India Project of linking authorities and Legal Aid Cells to increase effectiveness

As can be seen from the table and figure below, more than 50 percent of all the respondents believe that creating Pan India Project of linking authorities and Legal Aid Cells either exceeds expectation or is an excellent solution to increase effectiveness of legal aid.

Table 6.4.4 Creating a Pan India Project of linking authorities and Legal Aid Cells to increase effectiveness

Solution to legal aid effectiveness through creating Pan India Project of linking authorities and Legal Aid Cells	Delhi	Uttar Pradesh	Punjab
	(All figures in %)		
excellent	27	8	20
exceeds expectations	31	42	30
satisfactory	23	19	50
maybe	17	25	0
not a solution	2	6	0

Fig. 6.4.4 Creating a Pan India Project of linking authorities and Legal Aid Cells to increase effectiveness



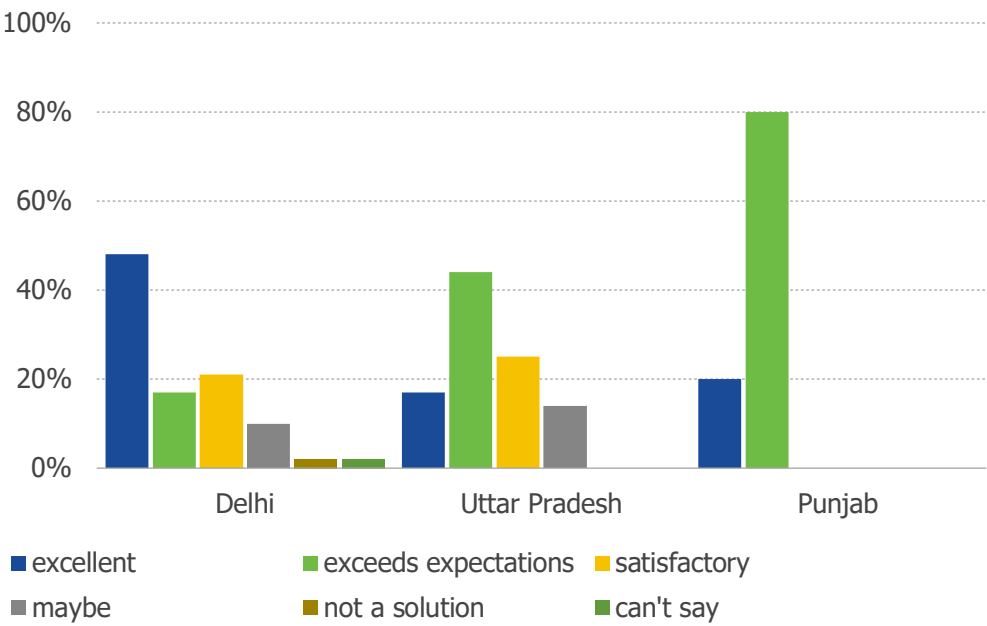
6.4.5 Coordinated Legal Aid Programme as Solution

As can be seen from the table and figure below, all respondents in Punjab and more than 60 percent of the respondents in Delhi and Uttar Pradesh believe that having a coordinated Legal Aid Program either exceeds expectation or is an excellent solution to increase effectiveness of legal aid. Only 2 percent respondents and that also from the State of Delhi felt that a coordinated effort was not a solution to provide effective legal aid.

Table 6.4.5 Coordinated Legal Aid Programme as Solution

Coordinated Legal Aid Programme as solution	Delhi	Uttar Pradesh	Punjab
	(All figures in %)		
Excellent	48	17	20
exceeds expectations	17	44	80
satisfactory	21	25	0
maybe	10	14	0
not a solution	2	0	0
Can't say	2	0	0

Fig. 6.4.5 Coordinated Legal Aid Programme as Solution



6.5 Conclusion

6.5.1 Awareness

There is acute lack of awareness regarding Legal Services Authorities Act, 1987, as well as the provisions of Article 39A and Article 21 of the Constitution. There is a need to improve awareness regarding the eligibility criteria for free legal aid, especially in Uttar Pradesh. The quality of information disseminated regarding legal aid through legal awareness camps needs to be improved, especially in Uttar Pradesh and as such model information pamphlets regarding legal aid should be prepared and circulated through the print, digital and social media. There is also a need to advertise about the concept of legal aid through newspapers and awareness camps. There is a need of innovative initiatives so that the general masses are made aware of the facilities provided by authorities.

6.5.2 Effectiveness

An overwhelming number of respondents consider that legal aid needs to be essentially provided to safeguard the rights of an accused person in

criminal matters. Though majority of the respondents who have availed of legal aid seem satisfied with the infrastructure of clinics and services of the empanelled lawyers. The importance of legal awareness camps is recognized by the almost all the litigants who have attended the same. However, a large number of litigants were unconscious of the existence or conduct of legal literacy/awareness camps. Therefore, it can be inferred that there is need to increase the number and reach of the legal literacy/awareness camps. Furthermore, the concept of Lok Adalats was also unknown to many litigants in Uttar Pradesh and therefore there is a need to include content relating to Lok Adalats and their advantages in legal literacy/awareness camps and also increase publicity and recognition for the same through newspapers and radio broadcasts.

6.5.3 Challenges

Analysis of the data reflects that a significant number of litigants face challenges in obtaining legal aid. There is lack of awareness regarding availability of legal aid for Public Interest Litigations, and awareness campaigns must include this aspect. Economic standing (Poverty) is also considered an important challenge faced in obtaining effective legal aid. Most litigants currently do not use digital communication to interact with their legal aid lawyers. A centralized system of training of legal aid lawyers would be beneficial to ensure uniformity in training and adoption of best practices. There is a need to encourage and promote digital communication between lawyers and litigants and directions regarding the same should be issued to legal aid lawyers as part of their training program. Long pendency of cases has also been identified as a bottleneck for effective legal aid by the litigants. Necessary steps need to be taken in this direction. Further since a significant number of litigants have faced challenges in getting good or honest lawyers, an internal complaint mechanism must be put in place to address cases where the legal aid lawyers are misusing their position.

6.5.4 Solutions

According to most litigants digitisation of Legal Aid Cells will improve efficiency and cost effectiveness while also improving communication with authorities to achieve speedy justice. Therefore, efforts towards digitisation of Legal Aid Cells should be initiated on a Pan India level. A Pan India Project of linking authorities and Legal Aid Cells in Law schools and a coordinated Legal Aid Programme is also expected to increase effectiveness and therefore efforts should be made to set it up.

PART-VII

DISCUSSION ON GROUND

REALITY

9. Access to Justice through Legal Aid: Ground Realities through Narratives

'Equality before Law' and 'Equal Protection of Law' are the guiding principles forming the very spirit of the 'Rule of Law' which is deemed to be the foundation of the notion of 'justice' and 'delivery of justice'. Our Honourable makers of the Indian Constitution have ensured in the letter of the Law that every citizen of this country has equal and equitable access to the State machinery entrusted with the task of disposal of justice. Article 21, which incorporates Right to Life has been interpreted by the Hon'ble Supreme Court of India to encompass all the means and modes thereby ensuring a dignified life which is not mere animal existence. As the law evolved, the Right of being legally represented became part of the aforesaid Article in plethora of cases decided amongst which *Hussainaara Khatoon*¹⁴¹ & *Sunil Batra*¹⁴² are the leading ones.

Though the law of the land and judicial decisions categorically equates justice with equality, fairness and respect for individual's rights, the harsh reality still remains that the legal representation comes as a costly affair and is beyond the reach of many, particularly who need it most. As mentioned above, access to the legal system is available to all and the State should undertake all the measures to ensure the same. But, in practice, the access is limited and those who cannot afford it are provided with some form of assistance, which often turns out to be of limited effect.

Number of studies, at macro and micro levels, from across the World and across different legal systems, have pointed out this grave lacunae. The experience of the current study was no different. In making Access to Justice possible to the ones who cannot afford it, legal aid becomes critical, which in a welfare state like India becomes an integral part of various affirmative actions taken for the wellbeing of their citizens. In the present study, the lawyers of the District Legal authorities, law schools and litigants were consulted about

¹⁴¹ AIR 1979 SC 1369

¹⁴² (1978) 4 SCC 494

the provision of legal aid in the area and to the needy communities. This write up is an indication of their narration of the ground realities of the availability of legal aid in the selected areas. Various grave issues of non-accessibility, partial availability and ineffective remedies were pointed out during the course of the study.

Ground Realities Unravelling

1. Deficient awareness about Legal Aid Clinics within the Community: It was pointed out during the study that, there is a lack of legal awareness about legal aid amongst the people. This was brought forth as a crucial reason for inefficiency of Legal Aid

“A significant number of litigants (under trials at Naini Jail) were found to be unaware of the provisions of free legal aid, and claimed that they had been spending a lot on private lawyers to no avail.”

**- Excerpts from Field Notes....
Field Visit to Allahabad DLSA.**

“While we were talking to the litigants, it could be noticed that majorly people come to Legal Aid Centre to get advice. Most of them didn’t know about the category of people who can avail legal aid services under the NALSA scheme. Many were proud that they have such a service provided in the courts of their country, while others were complaining about the ill-functioning of such an institute.”

**- Excerpts from Field Notes....
Field Visit to Delhi DLSA**

Cells in the areas selected irrespective of the size, class of cities surveyed and also appeared to be the most significant reason for the under-par performance of legal aid in all the States selected for the study. The situation was similar in big metropolitan cities like Allahabad and same was the case in relatively smaller cities like Gautam Buddh Nagar. The community seemed oblivious to the provisions of the Legal Aid Act, eligible groups of people etc. This situation was same in metropolitan cities and smaller cities as well. The lawyers entrusted with the task of providing legal aid not surprisingly appeared to be

unaware of the activities of the Legal Aid Cells as they claimed to have never been part of any legal awareness camp conducted by the Legal Aid Cells.

2. Obscure Legal Aid Cells: Non- visibility and less approachability of the Legal Aid Cells was pointed out as the second major impediment to the disposition of legal aid effectively. Lawyers of different Legal Aid Cells pointed out that the Legal Aid Cells in the University/ college campuses are isolated places which are less approached by the common man, often the one who requires legal aid to the maximum. Secondly, being situated inside the educational institutions, the indigent person and illiterate fail to enter such premises due to social stereotyping and basic inhibitions.


3. Non- coordinated working of the Legal Aid Cells with Civil Society: The present study established that there is a severe disconnect between the Legal Aid Cells and the social needs of the society. For any legal aid service to be effective, it has to have a holistic approach regarding delivery of services meaning thereby that to meet the needs of the people and communities, facing significant levels of social exclusion, they are to be included as significant stakeholders. Therefore, various NGOs, social agencies and public interest groups working towards the upliftment of the downtrodden, disadvantaged, marginalized should be meaningfully collaborated with the Legal Aid Cells . Surprisingly, in none of the areas any such coordinated effort was noticed. This was also pointed out as a reason for the ineptness of legal aid in the study area.

4. De-motivated Panel of Lawyers in Legal Aid Cells: Many lawyers said that the allotment of lawyers to individuals who need free legal aid is delayed because of an extremely long and arduous application process that needs to be availed by litigants in order to benefit from legal aid. Almost all lawyers spoke about the delay in the granting of fees for the cases they handled through the allotment of the DLSA, some claiming that there is no remuneration at all. There is always a lack of funding as they receive their salaries after delays

that may even extend to an year. The time period that a volunteer can be assigned is quite less and the fee paid to them is much less compared to the amount of work they do. "One man who came to avail the service under the category of old age suggested that if lawyers in the panel become responsible towards their client, then the working of this institution will become effective."

(Visit to the Delhi Legal Services Authority). Other reasons for demotivation of functionaries stated were long and arduous working hours of the advocates, poor support staff and resource availability, lack of physical infrastructure, often lack of information and frequently changing roster of lawyers. As a result, by the time one lawyer understands the problem, he is replaced by another. This leads to difficulties both for the litigants as well as the advocates.

5. Lack of Expertise of the Lawyers: Through the data in some of the law colleges studied revealed that the litigants visiting the Legal Aid Cells were seeking advice and assistance mostly in criminal matters pertaining to domestic violence, but it was revealed from the ground visits that the lawyers assigned at the Legal Aid Cells lacked sufficient expertise to provide legal advice in such cases. Lack of accountability of the lawyers regarding their availability at the Legal Aid



The clerk who managed District Legal Services Authority office and its records. As per his version, the only clerk, no other person to replace him during emergencies. He recalled the incident of his fathers demise, when he was asked to get back to office immediately after cremation.....Mr. Vinay was all in tears and an intense pain was writ large across his face when he recounted this incident and was unsuccessfully trying to smile the very next moment. It was such a pathetic scene, that something snapped within me that moment

Cells and correctness of the legal advice provided is another issue to be addressed as was pointed out during the field visit. "Some of the litigating

parties were not satisfied with the way in which the cell functions. They complained that their issues fall on deaf ears and not all the advocates working for the Cell are keen to address their issues expediently.” (**Visit to Lucknow Legal Services Authority**). “Another litigant suggested that lawyers shall be held accountable if they are not dealing with their case properly.” (**Visit to the Delhi Legal Services Authority**).

6. Lack of Physical Infrastructure at Legal Aid Cells: Non-availability of space and rudimentary infrastructure at the Legal Aid Cells was also pointed out as a critical reason for the lackadaisical functioning Legal Aid Cells. This emerged as an ubiquitous problem both in large metropolitan cities and also in the smaller towns. The issue that came to light was that there were often no dedicated space, no dedicated official and most often even basic furniture like chairs and cupboards were non-existent. Most of the lawyers entrusted with the task of legal aid also pointed out that many a times they used their chambers for the work of legal aid.

7. Physical Inaccessibility of Legal Aid Cells: ‘Missing’ Data of Litigants in Himachal Pradesh

In the present study, provision of legal aid was understood as multi-stakeholder’s service providers. The stakeholders included are law schools, lawyers attached to the Legal Services Authority helping in providing legal aid and the litigant parties.

Any service provision (in the present case, legal aid) have to be understood both from the supply side and also from the demand side. Supply side was studied through

The first issue that came to light was the fact that no proper room was allocated to them for the work of the legal clinic, and they had to use their own chamber for the work. The lawyers further claimed they work throughout the year even during the period the courts are closed for summer and winter vacations.

Excerpts from Field Notes....

Field Visit to Lucknow DLSA

covering the law schools entrusted with the task of helping in the provision of legal aid. Thirty five (35) law schools in four states were covered. The people providing the process of legal aid, i.e., the lawyers of the Legal Services Authority were consulted to understand their perspective, bottlenecks or impediments, (if any) and opportunities provided in making access to legal aid possible. Two hundred and fourteen (214) lawyers spread across four states were consulted. The third stakeholders consulted were the litigants (the parties who had availed the service of legal aid). Consulting them was of utmost importance because they represented the demand side of the service provision. Ninety four (94) such litigants could be contacted. A noticeable exception was absence or failure of contact with any of the litigant parties in the state of Himachal Pradesh. This brought a very significant question of 'access' to a service provision to the fore. *Access* is a shorthand term related to a wide-ranging established set of concerns that hinges on the degree to which individuals and population groups are able to acquire required legal services from the Legal Aid Cells. Physical accessibility is the key in both making a demand as well as a supply of a service possible. Himachal Pradesh is the only 'hilly' state selected in the Project area. By virtue of being a "difficult terrain" state, the research team could not contact the litigants as the 'distance' that such litigants had to cover to gain access to legal aid was much longer than that in other states. Such states thus have a topography 'disadvantage' as compared to the states of plain areas.

Assisting access denotes with facilitating people to access appropriate legal aid in order to gain access to justice. Access is a complicated concept and at least four aspects involve close assessment. If legal aid services are available and there is a satisfactory supply of legal aid clinics, then there exists the opportunity to obtain legal aid, and such a population may 'have access' to justice. The degree to which a population 'gains access' also depends on financial, structural and social or cultural barriers that sets limit to the utilisation of services, in this case legal aid. Thus the concept of access to justice is measured in relation to utilisation of the available service of legal aid and is dependent on the physical accessibility and acceptability of legal aid services

and not merely sufficiency of supply. Legal aid services available must be applicable and operative if the population is to 'gain access to satisfactory justice'. The availability of legal aid services, and obstructions to access, have to be measured in the context of the differing populations, their legal aid needs and socio- cultural settings of diverse groups in a society. Equity question of access may be measured in terms of the availability, utilisation or outcome assessment of legal aid services. Both horizontal (among diverse areas) and vertical dimensions (among different social groups) of equity in accessing legal aid require consideration.

Geographic disadvantage

The term '*urban*' is defined by the Census of India as a settlement centre of 5,000 or more people. However, a measure based exclusively on population size of a settlement is not necessarily a correct reflection of advantage/disadvantage in terms of access to justice.

The approachability/inaccessibility can be understood as accessibility to central places or service centres (in the present case, Legal Aid Cells) based on road distances.

The question of inaccessibility and approachability, like other considered disadvantages, should be viewed in relative terms. For example, while residents of regionally big cities such as Allahabad (UP) and Bareilly (UP) have considerably greater ease to access to services (in the present case legal aid) than those in small towns such as Muradabad (UP) or Muzaffarnagar (UP), they are still relatively disadvantaged when compared to the range of services available in big central cities like Lucknow (UP). Thus, across the four selected states, cities of different size classes were studied in the present study. On one hand, this included Lucknow, the capital city of the most populous state of the country (Uttar Pradesh) accounting for almost 17 percent of the total country's population. On the other hand, the project area covered Mandi accounting for only about 26,000 people.

Ground Realities of Legal Aid Cells in Law School in Uttar Pradesh: From Established Structure to New Beginnings

JS University, Shikohabad (Firozabad)

Year of Establishment (Law School): January, 2018

Number of Faculty Members: 03.

Existence of Legal Aid Clinic: No.

**Prof. Amar Pal Singh
01.05.2018**



Mahatma Gandhi Kashi Vidyapeeth

Year of Establishment (Law School): 2011

Number of Faculty Members: two permanent teachers and three contractual teachers

Existence of Legal Aid Clinic: Yes.

“Despite an humble existence in a new beginning, the Law Faculty, Kashi Vidyapeeth, has an office dedicated to legal Aid programme, where students and teachers come together regularly and do whatever little they can in terms of providing consultancy or services to legal aid seekers

Suggestions for Legal Aid Clinics

Lot of students talked about as to what they knew about Legal Aid Programmes, from Constitution of India to Legal Services Authority Act and tried to articulate the reasons, which have weakened the movement of Legal Aid system. One important suggestion that came out unanimously was that the existing programme has not been able to penetrate the thick veneer or functionality and reach the targeted group. Therefore, there was a unanimity that Legal Aid Programme has to reach the needy and does not have to wait for the needy to come to the establishment where legal aid is likely to be delivered.

- Excerpts from the field notes....
- Prof. Amar Pal Singh
- 05.05.2018



Allahabad University, Allahabad**Year of Establishment (Law School): 1887****Existence of Legal Aid Clinic: Yes.*****Suggestions from the Faculty Members:***

“One of an outstanding suggestion that came from the faculty was that there should be panel of lawyers associated with the Law School system, part of their remuneration could be payable from the side of law school and rest from the District Legal Services Authority. These lawyers can perform twin functions, one as mentors of lot of law students in legal aid programmes and secondly as service agents of Legal Aid system under District Legal Services Authority.”

Inputs from Secretary, District Legal Services Authority, Allahabad:

“His version of the Legal Services Authority functioning, scanty, inefficient, literally no staff, payment comes from Legal Services Authority accounts, for two months payment has not come.....”

Other Suggestions

“There was a suggestion as to incentivisation of legal aid programme for example, every elevation to the higher judiciary, at least some weightage should be given to the one who has done some significant work in legal aid programmes. At the moment this is not even a component of those criterion which leads to the elevation of an individual advocate to the higher judiciary.”

- Excerpts from the field notes....
- Prof. Amar Pal Singh
- 03.05.2018

**Banaras Hindu University, Varanasi****Year of Establishment (Law School): 1916****Existence of Legal Aid Clinic: Yes.**

“The Legal Aid Clinic of Banaras Hindu University, Faculty of Law, is one of the most innovative systems that I saw during this entire visit. Half a dozen faculty members associated with the legal aid programmes and over 80 dedicated student volunteers, headed by Prof. Shailendra Kumar Gupta, constitutes the strength of LAC Banaras Hindu University, Faculty of Law.”

.....a Public Interest Litigation filed by Banaras Hindu University, Faculty of Law, Legal Aid Committee in Allahabad High Court for the purpose of improving the wretched conditions of prisons in the State. The case was actually taken up under the directions of the Honourable Supreme Court of India for the purpose of improving the poor conditions of Prisons all over the country. Supreme Court in the relevant case has issued 14 directions to be implemented immediately. This particular Writ Petition in the form of Public Interest Litigation is basically for the purpose of ensuring the implementation of the guidelines of Hon'ble Supreme Court of India in the State of Uttar Pradesh.

Other Suggestions

“One of a suggestions was as to the structural flaw in the Legal Services Authority Act, 1987, wherein the second senior most judge (next to the CJI) at Supreme Court and High Court levels, is the Chairman of NALSA, SALSA and District and Sessions Judge is the Chairman of District Legal Services Authority. It is well-nigh impossible for these functionaries to really prioritize the work of Legal Aid. There has to be somebody who can exclusively dedicate his time and energy for implementing the programmes

PART-VIII

BEST PRACTICES OF THE FIELD

8. INTRODUCTION

*Legal education seems to be the 'odd one out' as a profession that has not focused upon clinical training.*¹⁴³

Good clinical program is reflection of good legal education. Roy Stuckey states that clinical program helps students to learn from experience¹⁴⁴, while Milstein articulates it more in a formal manner with a suggestion that eventually the objective of clinical teaching is to give rise to reflective practitioners and lifelong learners.¹⁴⁵

Legal education varies from one country to another. The process of qualifying admission to practise as a lawyer, the pedagogy of clinical legal education in all countries emphasise upon involving students in practical work of lawyers. In a clinical course, students deal with issues which they would deal after becoming full-fledged lawyers.¹⁴⁶ This pedagogy primarily focuses on teaching students to learn from their experiences and also in developing them as ethical and effective legal professionals by reflecting on the role of law and legal system in order to access justice through assistance of knowledge.

Clinical legal education primarily advanced as pedagogy in Australia, UK, Canada and the US since 1960,¹⁴⁷ while in Africa and other Asian countries, it started much later, since 1990. In some legal systems, the focus has primarily been on how to serve the clients while others focus only on legal education. Nonetheless, both objectives are generally recognised as relevant in all the nations. Other considerable variances in clinical legal education amongst various countries are law reform versus client service, systemic advocacy versus

¹⁴³Jeff Giddings, "Contemplating the Future of Clinical Legal Education", 1 *Griffith Law Review* 17 (2008).

¹⁴⁴Roy Stuckey, *Best Practices for Legal Education: A Vision and A Road Map* (Clinical Legal Education Association 2007).

¹⁴⁵Elliot Milstein, "Clinical Legal Education in the United States: In-House Clinics, Externships, and Simulations", 51 *Journal of Legal Education* 375 (2001).

¹⁴⁶Peter A Joy, "The Law School Clinic as a Model Ethical Law Office", 30 *William Mitchell Law Review* 43 (2003).

¹⁴⁷Jeff Giddings and Sandra McCullough, *Promoting Justice Through Clinical Legal Education* (Griffith University Justice Press, Australia 2013).

individual advocacy and, the academic status of clinicians in law institutions and the legal academia.¹⁴⁸

The term 'best practices' is often used to describe long-standing values of sound educational practices about teaching and learning, experiences in clinical legal education. This chapter compares the efforts in different countries to set up the best practices in clinical legal education. The aim is to aid the Legal Aid Cells so that they can develop their own best practices in light of their cultures, and education systems in legal field or to decide whether to follow the generally accepted principles.

Curriculum development in any field involves identifying educational objectives of the course, selecting learning experiences which are useful in achieving those objectives, organizing those experiences for the purpose of giving instruction and evaluating the impact of the selected learning experiences.¹⁴⁹

Primary legal aid services include lawyers as legal aid providers and also the presence of litigating lawyers before courts or Alternative Dispute Resolution (ADR) mechanisms. Secondary legal service includes all other forms of legal aid, such as providing advice, creating legal awareness and giving legal training. Significant legal aid services are: -

- 1) legal representation in court of law;
- 2) providing assistance on legal issues pertaining to a particular case;
- 3) drafting wills and contracts, writing legal notices and official letters to employers, landlords etc, filing applications (for example in relation to registration of land) and legal claims;
- 4) facilitating negotiations, and mediation;
- 5) advocacy work and campaigning;
- 6) Public Interest Litigation;
- 7) creating awareness in general about law and procedures in law;

¹⁴⁸Mcleay, F, "Defining Pro Bono-Exploring the Parameters", 51 *Law Institute Journal*/76 (2002).

¹⁴⁹Ralph Tyler, *Basic Principles of Curriculum and instruction* (University of Chicago Press, illustrated, reprint 2013).

- 8) Organizing training for other legal aid providers and personnel in legal sector in general.

8.1 Various Models of Legal Aid

Various models of Legal aid are assessed below to compare benefits of free legal aid.

The Insurance Model:

In this model, the private citizens through associations put a signature on insurance policies which cover eventually certain kinds of legal expenses such as expenses related to court proceedings, including representation before the court and legal assistance. The legal help becomes the responsibility of the insurance company rather than of the Government. This model essentially concerns civil cases.

The Loan Model:

In this model the beneficiaries of legal aid contribute financially while offering the legal aid, according to their economic standing the size of contribution depends on their financial status. This is more like a loan from the public fund where beneficiaries are obliged to make periodic repayments for the use of legal aid.

The Contribution Model:

In this model, the legal aid providers contribute part of their expenses towards legal aid. In a developing country, this model does not suit. A large segment of the population does not have sufficient means to contribute to the legal aid so they are excluded from enjoying legal aid services.

The Contingency Fees Model:

In this model, lawyer's fee is dependent upon the outcome of the case so they bear the risk. Free legal advice is given in civil cases. Sharing of financial reward takes place between the client and the lawyer. Such schemes are in use in US, and most of other countries around the world.

The Charitable Model:

In this model, free legal assistance and representation is provided either by the state or legal professional or university law students or teachers. This is the most widely recognised model.¹⁵⁰

The Public Defender Model:

In this model, the government pays the lawyers who are primarily dedicated to providing legal aid services organized through the Government or an independent authority.

Assigned Counsel Model:

This model is also called the 'Judicare' model in certain countries. It involves assigning the legal aid cases to private lawyers on either systematic or an ad hoc basis.

Contract Services Model:

In this model, a contract is entered into with a lawyer or group of lawyers, bar association, NGOs, community-based paralegals, university Legal Aid Cells, etc. to provide legal aid services in particular jurisdictions and they are funded by the State.

Alan Paterson lays down 3 overall models of legal aid, by which the state obligations to provide legal aid can be fulfilled:

- 1) In the 'staff attorney model' (or the 'public defender model'), the lawyers are employed on a full-time basis through the public legal aid agency to provide legal assistance to the eligible individuals.
- 2) In the 'judicare model', private lawyers or law firms are paid by the state on case-to-case basis to provide legal assistance to vulnerable sections of society who are eligible for such legal aid.
- 3) In the 'community legal clinic model', lawyers and/or paralegals are employed by non-profit clinics to provide legal services to local communities.¹⁵¹

¹⁵⁰ Centre for Liability Law, Tilburg University, "Legal Aid Systems Compared", *Available at:* <http://www.tilburguniversity.nl/faculties/law/research/tisco/publications/reports/legal-aid-systems.pdf> (Last visited on December 1, 2018).

¹⁵¹ Paterson and Alan, "Legal Aid at the Crossroads", 10 *Civil Justice Quarterly* 124 (1991).

8.2 Comparative Analysis of Best Practices

The first international instrument to proclaim that all persons are entitled to “equal protection of law” and the right to a fair trial¹⁵² was Universal Declaration of Human Rights (UDHR). The Declaration called upon countries to strengthen judicial system against any fundamental rights violation¹⁵³ and provide fair and public hearing,¹⁵⁴ so that these promises are realized in reality for every human being.

The first international instrument to deal with the right to legal aid¹⁵⁵ is the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems. According to this, Legal aid is an essential element of fair, humane and efficient Criminal Justice System. To enable access to justice, rights such as right to a fair trial and public trust in the criminal justice system must be enjoyed. States are being provided with 14 principles and 18 guidelines by the UN Principles and Guidelines, in relation to the establishment, reform and administration of national legal aid systems in the context of criminal justice. It has been done to ensure that legal aid is “accessible, effective, sustainable and credible.”¹⁵⁶ The different types of beneficiaries in this have been offered with detailed guidance on the provision of legal aid. The UN Principles and Guidelines was adopted by General assembly to establish, strengthen and expand legal aid for the general masses.¹⁵⁷

Relevance of access to legal aid is recognized in the international community through various legal instruments. Human Rights Council (HRC) has a process of Universal Periodic Review (UPR) wherein states make recommendation to each other.¹⁵⁸ The UPR is a mechanism to review the strategies declared by the

¹⁵² *Ibid* art. 7.

¹⁵³ *Ibid* art. 8.

¹⁵⁴ *Ibid* art. 10.

¹⁵⁵ Farzana Akter and Eva Brems, “UN Principles and Guidelines”, 16(1) *Bangladesh Journal of Law* (2012).

¹⁵⁶ UNODC/UNDP, *Early Access to legal aid in criminal justice processes: A handbook for policymakers and practitioners* (2014) Available at: http://www.unodc.org/documents/justice-and-prison-reform/eBook-early_access_to_legal_aid.pdf (Last visited on June 24, 2018).

¹⁵⁷ United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, Resolution 67/187 (2012).

¹⁵⁸ *Id.* at Annex II.

states being adopted in their respective countries. They also make recommendations to other States. UPR provides a useful platform to identify good practices based on the provision of legal aid all over the world. The states need to ensure effective remedial actions to ensure access to justice for all.¹⁵⁹ An activity is very popular in legal education community in India, known as 'Street Law' activity.¹⁶⁰ It is also popular in South Africa,¹⁶¹ Thailand,¹⁶² the US¹⁶³ and the UK.¹⁶⁴ This activity emphasises upon teaching clinical legal skills to the community through workshops and active classes.¹⁶⁵

United States of America

One of the first countries to guarantee legal aid in its Constitution was the United States of America. As per the decision of the US Supreme Court in 1963, it is the mandate of the Constitution for the state to provide lawyers to criminal defendants who cannot afford lawyers themselves.¹⁶⁶ Later on, the right to appoint counsel was expanded to include misdemeanour and juvenile proceedings¹⁶⁷ by the Supreme Court. Nowadays, variety of systems are used by federal government to provide legal aid in criminal cases, reimburse private lawyers and using contract model through which lawyers or organisations enter into contracts to provide legal aid. Legal aid in civil cases is dependent on a determination of the merit of the claim of the party requesting legal aid.¹⁶⁸

¹⁵⁹Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice, General Assembly resolution 60/177 (2005).

¹⁶⁰ Ajay Pandey and Sheena Shukkur (Frank S. Bloch, ed.), *Legal Literacy Project: Clinical Experience of Empowering the Poor in India* (Oxford University press, 2011). DOI: 10.1093/acprof:oso/9780195381146.001.0001.

¹⁶¹ Grimes RH, McQuoid-Mason D, O'Brien E, Zimmer (Frank S. Bloch, ed.), *Street Law and Social Justice Education* (Oxford University Press 2011). DOI: 10.1093/acprof:oso/9780195381146.001.0001.

¹⁶² B Lasky and MRK Prasad (Frank Bloch ed.), *The Clinical Movement in Southeast Asia and India, A Comparative Perspective and Lessons to be Learned* (Oxford University Press 2011). DOI: 10.1093/acprof:oso/9780195381146.001.0001.

¹⁶³*Supra* note 21.

¹⁶⁴ Richard Grimes, "Legal Literacy, community empowerment and law schools – some lessons from a working model in the UK", 37(3) *The Law Teacher* 273 (2003).

¹⁶⁵ Street Law, Inc. advances justice through classroom and community education, *Available at*: www.streetlaw.org (Last Visited on November 6, 2018).

¹⁶⁶*Gideon v Wainwright*, 372 U.S. 335 (1963).

¹⁶⁷*Argersinger v Hamlin*, 407 U.S. 25 (1972).

¹⁶⁸*In re Gault*, 387 U.S. 1 (1967).

The Best Practices Project was initiated by the US Clinical Legal Education Association (CLEA) in August 2001. The association of American Law Schools made similar efforts also. In 1980,¹⁶⁹ guidelines for clinical legal education were developed by the American Bar Association (ABA) after ABA taskforce prepared MacCrate Report,¹⁷⁰ which stressed upon clinical legal aid by teaching lawyering skills in law schools.

The belief of the CLEA Board was that the law schools must become professional schools¹⁷¹ and they should prepare students for the practice of law. Professor Stuckey did a lot of research related to best practices for all aspects of legal education. His focus on best practices for legal aid was for a span of 6 years and many legal educators gave suggestions and helped him with drafting. This research was published as 'Best Practices for Legal Education: A Vision and a Road Map'.¹⁷² Further, an Implementation Committee was appointed by CLEA to publicise the best practices and to encourage law schools to adopt them.¹⁷³

The Carnegie Foundation for the Advancement of Teaching published a study in 2007 to integrate both theoretical and practical legal knowledge with professional identity.¹⁷⁴ It was observed by the Carnegie Report that legal clinics can be a important set up to inculcate doctrinal reasoning, lawyering skills and ethical engagement in students.¹⁷⁵ The Carnegie Report concluded that clinical legal education leading to legal aid should play an important role in preparing students for the practice of law.¹⁷⁶

¹⁶⁹ Association of American Law Schools-American Bar Association Committee on Guidelines for Clinical Legal Education, Report on Clinical legal education (American Bar Association, 1980).

¹⁷⁰ American Bar Association Task Force on Law Schools and the Profession: Narrowing the Gap, Legal education and professional development: An educational continuum (American Bar Association, Section of Legal Education and Admissions to the Bar, 1992).

¹⁷¹ Evans, Adrian, *et al.*, *Australian best practices—a comparison with the United Kingdom and the United States* (ANU Press, Acton ACT, Australia, 2017).

¹⁷² *Ibid.*

¹⁷³ *Id.* at 175.

¹⁷⁴ William M Sullivan, Anne Colby, *et al.*, *Educating Lawyers: Preparation for the Profession of Law* (The Carnegie Foundation for the Advancement of Teaching, Stanford, California, 2007).

¹⁷⁵ *Ibid.* at 121.

¹⁷⁶ William M Sullivan, *The Power of Integrated Learning: Higher Education for Success in Life, Work, and Society* 121 (Stylus Publishing, 2016).

Best Practices for Legal Aid and the Carnegie Report have shaped thinking about the emergence and development of legal aid in the US and also enhanced the focus on clinical legal education in many law schools.¹⁷⁷

United Kingdom

In the UK, legal assistance was confined to civil litigation in the 18th century.¹⁷⁸ However, the standards for live client clinics were developed by the Clinical Legal Education Organisation (CLEO) in 1995 and they were the result of work of experienced clinicians who identified good practices in developing clinical legal aid education in the UK. At the same time some law schools started considering implementing clinical courses. CLEO adopted the above mentioned standards at Plymouth Conference in 1995.¹⁷⁹ Then it became dormant for some time.¹⁸⁰ However after almost a decade in 2006, it was revived and then it updated standards considering the developments of clinical legal aid education in the UK.

Ultimately in 2007, Model Standards for Live-Client Clinics were framed by CLEO and the intention of these revised standards is to provide a benchmark for setting up clinics.¹⁸¹

Australia

Australian clinical legal education and social justice are very well connected. There is integration in Australian Legal Aid Cells, and they create opportunities for teaching students about lawyering skills for the benefit of society. The clinics teach skills as well as ethical values of justice through client work, specialist clinics etc.¹⁸² They have creative models and multidisciplinary international clinics. These clinics are engaged in community service. Social

¹⁷⁷ Mark Yates, "The Carnegie Effect: Elevating Practical Training Over Liberal Education in Curricular Reform", 17 *Journal of the Writing Institute* 233 (2011).

¹⁷⁸ Speech by Hon Mr. Justice Mostyn at National Access to Justice and Pro Bono Conference in Sydney 18-19 June 2015.

¹⁷⁹ Richard Grimes and Hugh Brayne, *Brayne and Grimes: The Legal Skills Book: A Student's Guide* 78 (Butterworths Law, 2nd edn, 1999).

¹⁸⁰ *Ibid.*

¹⁸¹ Kevin Kerrigan and Victoria Murray (ed.), *A Student Guide to Clinical Legal Education and Pro Bono* (Red Globe press, England, 2011).

¹⁸² Mark Rix, "Community legal centres and pro bono work: for the public good?", 28(5) *Alternative Law Journal* 238 (2003).

justice aspects of law must be reflected in classroom teaching and the legal system needs to be integral to clinical teaching.¹⁸³

Commitment to community legal aid is a distinctive feature of community legal centres in Australia. They empower people to engage with the law¹⁸⁴ in an effective manner through plain language, materials and active involvement with the community. Community legal aid education makes law students to understand how the lawyers by their own power can integrate their profession with community complementing the wisdom and knowledge of the community.¹⁸⁵

Community legal aid provides an opportunity to the students to know how law affects society and study their responses. It gives opportunity to critically think about various ways in which a lawyer can work to achieve access to justice. Community development work differs from community legal education as it empowers communities to improve on their own¹⁸⁶ and it is done through action, advocacy, education and if necessary, litigation.¹⁸⁷

Workshops and colloquia in Australia explored approaches to clinical learning and effective practices and came out with seven key elements of clinical method: Course Design, Law in Context in a Clinical Setting, Supervision, Reflective Student Learning, Assessment, Staff and Infrastructure.¹⁸⁸ They can be some of the best practices adopted.

In Australian law schools, there is no integration between curriculum theory and the practice of law into teaching the legal principles.¹⁸⁹ The above

¹⁸³William M Rees, "Clinical Legal Education: An Analysis of the University of Kent Model", 9 *Law Teacher* 125 (1975).

¹⁸⁴Sue Bruce, Elsje Van Moorst and Sophia Panagiotidis, "Community Legal Education: Access to Justice", 17(6) *Alternative Law Journal* 278 (1992).

¹⁸⁵William P Quigley, "Reflections of Community Organizers: lawyering for empowerment for Community Organizations", 21 *Ohio Northern University Law Review* 455 (1995).

¹⁸⁶Daniel S Shah, "Lawyering for Empowerment: Community Development and Social Change", 6 *Clinical Law Review* 217 (1999).

¹⁸⁷Identifying Current Practices in Clinical Legal Education, Regional Report: Victoria and Tasmania *available at*: https://www.monash.edu/__data/assets/pdf_file/0020/407117/altc-report-nsw-act.pdf (Last visited on November 18, 2018).

¹⁸⁸Australian Learning And Teaching Council Limited, *Available at*: https://docs.education.gov.au/system/files/doc/other/australian_learning_and_teaching_council.pdf (Last Visited on June 14, 2018).

¹⁸⁹Chief Justice Robert French in his speech at Australian Academy of Law 2008 Symposium on December 1, 2008. He spoke about the key characteristics of the traditional model of legal

practices were unanimously endorsed by the Council of Australian Law Deans (CALD) in November 2012.¹⁹⁰ CALD endorsement and project approval by Commonwealth Government's Office for Learning and Teaching (OLT) substantiated that these practices had momentum to assist Australian law schools in improving their approaches.¹⁹¹ The aim of law reform work is not always to improve the lives of marginalized communities and their access to justice. A clinic may be focussed on law, but it may not have specific social justice goals.¹⁹² There is a reasonable need to integrate law reform activity with individual client work¹⁹³ and community development.

South Africa

Legal aid in the African countries generally does not rely only on single actor rather different stakeholders focus on more than one forms of legal aid. Some overlapping can also be found in different legal aid schemes, such as lawyers' pro bono services and legal assistance rendered by NGOs and paralegals.¹⁹⁴

Non-governmental Organizations (NGOs) and paralegals in Africa play an important role in access to justice. The legal aid services offered by NGOs and paralegals are generally much more accessible to disadvantaged sections in rural society, as opposed to the legal aid initiatives of state and the legal professionals. However, the legal aid that they offer varies from each other. Services offered by paralegals are rarely used in legal representation. NGOs

education dominating Australian law schools till 1980s which had been detrimental to the law students and the legal profession.

¹⁹⁰The CALD Standards for Australian Law Schools, *Available at*: <http://www.olt.gov.au/project-strengthening-australian-legal-ed-clinical-experiences-monash-2010> (Last visited on October 15, 2018).

¹⁹¹New South Wales and Australian Capital Territory, Regional Report on Identifying Current Practices in Clinical Legal Education, *available at*: https://www.monash.edu/__data/assets/pdf_file/0020/407117/altc-report-nsw-act.pdf (Last visited on November 18, 2018).

¹⁹²Les McCrimmon and Ed Santow(Frank S. Bloch, ed.), *Justice Education, Law Reform and the clinical method*(Oxford University press, 2011). DOI: 10.1093/acprof:oso/9780195381146.001.0001.

¹⁹³Liz Curran, "University law clinics and their value in undertaking client-centred law reform to provide a voice for their client's experiences", 12 *International Journal of Clinical Legal Education* 105 (2007).

¹⁹⁴Margaret Martin Barry, A Rachel Camp, *et. al.*, "Teaching Social Justice Lawyering: Systematically including Community Legal Education in Law School Clinics", 18(2) *Clinical Law Review* 401 (2012).

and paralegals are active in providing other forms of legal aid such as legal assistance, raising legal awareness, legal training and advocacy work.

Kenya

In September 2008, the National Legal Aid and Awareness Programme (NALEAP) started in Kenya which carried the responsibility of evolving a national legal aid policy and legislation. The programme is primarily run by the Governance, Justice, Law and Order Reform Sector (GJLOS). The steering committee includes NGOs, legal professionals and other stakeholders in the legal system. A number of pilot projects have been started by NALEAP to provide legal aid geographically and/or in certain categories of law.

Uganda

The Constitution itself affords the protection of the law, especially for serious offences with capital punishment.¹⁹⁵ The Uganda Law Council (ULC) in Uganda is a Department in the Ministry of Justice and Constitutional Affairs with a responsibility to develop a national legal aid policy, which was established by the Advocates Act. The Legal Aid Service to Indigent Persons Regulations¹⁹⁶ and the Advocates (Pro Bono Service to Indigent Persons) Regulations were adopted by ULC that encapsulate various requirements for the legal aid providers.¹⁹⁷ The function of ULC is to certify legal aid providers and approve pro bono projects by carrying out regular inspections of legal aid providers on the ground. A number of sub-committees are there in the ULC, including the sub-committee on legal aid which is composed of representatives from the law society¹⁹⁸ and which implements the mandate of the ULC to regulate and supervise the provision of legal services.

In Uganda, paralegals help the police by roaming around the country every day to attend the “early morning suspects’ parades and by identifying cases that might need assistance. Apart from this, the paralegals also

¹⁹⁵Constitution of Uganda (1995), Art. 28(e).

¹⁹⁶Advocates (Legal Aid to Indigent Persons) Regulations, 2007 *available at*: <https://ulii.org/ug/legislation/statutory-instrument/2007/12> (Last visited on September 29, 2018).

¹⁹⁷ *Ibid.*

¹⁹⁸ Legal Aid Service Providers Network, “Mapping Report: Legal Aid Service/ Provision in Uganda”, *available at*: http://laspnet.org/index2.php?option=com_docman&task=doc_view&gid=6&Itemid=15 (Visited on November 19, 2018).

coordinate with the State Attorney's Office to make sure that the files which are forwarded by the police are dealt. The paralegals in Uganda liaise with court officials to get access to detained persons. The detained persons are informed of their rights such as right to defence through self-representation and judges are also told that persons have been detained beyond what the law allows.

Tanzania (mainland)

The Legal Sector Reform Program (LSRP), to initiate a national legal sector policy has been established by the Ministry of Constitutional Affairs and Justice. The government has done nothing to ensure the adoption of a national legal aid policy, but the LSRP supports Legal Aid Network. The Ministry of Justice and Constitutional Affairs has recently formed Directorate for Public Legal Services (DPLS) (which covers legal aid) to work towards framing policy. In short legal aid in Africa primarily concerns:

- 1) Pro bono services;
- 2) Judicare referrals;
- 3) Public defenders, paid by state on a monthly basis;
- 4) Students' Representation at the Law faculties by enrolling themselves;
- 5) Formation of Centres for Justice focusing on other forms of legal aid;
- 6) Effective litigation like environment related issues and challenges;
- 7) Legal Aid Cells, private law firms or NGOs, providing legal aid in a particular legal area;
- 8) Law interns in rural law firms who primarily deal with providing legal aid;
- 9) Independent university law clinics, where law students under the supervision of teachers provide a range of legal aid services;
- 10) Paralegal offices, where either employees or volunteers provide different types of legal aid services including civic education to raise awareness of legal rights.¹⁹⁹

Canada

Canada has opted for a model similar to Europe an assigned counsel model. The Ontario Legal Aid Plan (OLAP) was established as the first law in

¹⁹⁹ McQuoid-Mason, David, *Legal Aid: Traditional and Non-Traditional Methods of Delivery* (Handout at the 2nd European Forum on Access to Justice, February 24-26, 2005).

1967 which provided for payment of lawyers by the government in both civil and criminal matters.²⁰⁰ It was then surpassed by the Legal Aid Services Act 1998. It does not give much regard to the civil matters, with the exception of family law, immigration matters, and matters before mental health tribunals. Because of the federal structure US and Canada both have different system for providing legal Services. Currently, the system which is funded by National, State and local government works on two level i.e State-funded private practitioners and public defender institutions.

Jordan

The legal Aid pertaining to serious crimes that carry death punishment or life imprisonment is dealt under State-sponsored structure. Other matters are dealt through bar association. Lack of coordination between Bar Association and Non-Governmental Organisations is evident in the of legal aid services. This is a huge roadblock in providing effective legal aid services to the needy. Hence, it is imperative to transform this competition into cooperation. Another challenge in Jordan is the limited data available on the needs, priorities, and demand for legal aid services.²⁰¹

Tunisia

In Tunisia, legal aid services and representation are provided under ;

- Criminal Procedure Code (1968)
- The Child Protection Code (1995)
- laws on legal aid services (2002)
- Legal assistance in administrative matters (2011)
- Organisation of the legal profession (2011).

Government has put efforts to attain justice for everyone. This could be done by way of Council system or by way of writing application to the legal aid office. Bar Associations are hesitant to establish State-run Legal Aid Offices.

²⁰⁰ Frederick H. Zemans, "Legal Aid and legal Advice in Canada: An Overview of the Last Decade in Quebec, Saskatchewan and Ontario", 16(3) *Osgoode Hall Law Journal* (1978).

²⁰¹ Paul Scott Prettitore, "Building Legal Aid Services from the Ground Up: Learning from Pilot Initiatives in Jordan", 115 *The World Bank: MENA Knowledge and Learning Quick Note Series* (2014).

Egypt

The bar association in Egypt provides for the creation of committees to provide free legal aid, which is still at the nascent stage. Ministry of Justice has a very little role to play in this regard. Most legal efforts are supported by donors from abroad and developmental agencies. It focuses only on providing legal aid services to the matters related to family law by establishing legal aid cells in family courts.

Thailand

There legal aid programme is in its nascent stages. The law students with the help of Non-Governmental Organisations like Bridges Across Borders Southeast Asia Community Legal Education Initiative (BABSEA CLE) are involved in legal aid. These organisations provide aid on a range of diversified issues like health, and also conduct human rights awareness program. They have also developed an HIV/AIDS Community Legal Education Manual.

Singapore

They have a recent legal aid programme that started in the form of a school Project in 2010, in collaboration with the Law Society of Singapore. Modules are made for spreading legal awareness on matters like domestic violence, illegal money lending, cyber offences, and rioting.

Russia

Russia has not taken legal aid initiatives. Supreme Court has prepared a bill protecting judicial rights of children and teenagers, and right to receive legal aid from an attorney. This bill guarantees the rights of minors to personally attend court proceedings, appeal rulings and receive legal aid. The bill also proposes to restrict the forceful escorting of defendants to a trial in case of children below 14 years of age.²⁰²

²⁰²“Russian Supreme Court prepares bill on legal aid for children and teenagers”, RAPSIA Available at: http://rapsinews.com/legislation_news/20181225/293000178.html?fbclid=IwAR1q-dea9TukMvoLMvWZ0fbWnIjOR9fRfZQqgFOim5M92FFibhWF6S2ocdc (Last visited on December 25, 2018).

Japan

The Constitution of Japan made provisions for legal aid services. Government since 1946 is successful in providing legal aid services to the destitute. Defendants are provided with counsel in case of criminal matters. In 1952, the Japan Legal Aid Association (JLAA) was formed to cover civil legal aid needs. In 1990, to initiate duty roster for lawyers that were to provide legal aid the Japan Federation of Bar Associations (JFBA) formed a Criminal Defence Centre (CrDC) to provide advice and legal aid in criminal proceedings. In 2001, The Judicial Reform Council (JRC) came up with public defender services to deal with criminal cases. The 2004 Comprehensive Legal Support Act,²⁰³ and the establishment of the Japan Legal Support Centre (JLSC) in 2006, made JLSC as the central authority for coordinating the provision of legal aid. In pursuance with the amendment in 2018 of Code Of Criminal Procedure, legal aid services are now extended to deal with every kind of cases, which earlier only provided services pertaining to capital punishment and life imprisonment.

Indonesia

Till 1967, in Indonesia, law students used to provide pro bono services through consultation bureaus. In 1971, establishment of Legal Aid Institute, by Indonesia Advocates' Union (IAU) was done with financial help and support from the Governor of Jakarta. After a decade, the Indonesian Legal Aid Foundation (ILAF) was established. Currently, to provide legal aid services, three hundred NGO are recognised and authorized to receive financial funding from the Government. Majority of legal aid services are provided to destitute in matters related to land and labour. Legal Aid Act, 2011 provided for legal aid services in criminal, civil and administrative matters for indigent persons. By this Act it is now mandatory for the Ministry of Justice and Human Rights to administer the system. The National Law Development Agency (NLDA) manages the legal aid system. It provides accreditation to lawyers, provides funding and monitors the delivery of legal aid in Indonesia. The students are

²⁰³ Comprehensive Legal Support Act (Act No. 74 of June 2, 2004).

involved in various projects with the help of NGOs such as Bridges Across Borders Southeast Asia Community Legal Education Initiative (BABSEA CLE).²⁰⁴

China

In China, till 1980 no formal system of providing legal aid services was present. Public institutions while dealing with the problems of people also gave legal advices and addressed it through mediation. If situation demanded, then by direct representation also. It was provided for free or at a low cost. National Legal Aid Centre (NLAC) which was established later on, under the Ministry of Justice provides legal aid at low cost. In China Administrative branch is responsible for provision of legal aid, hence by the way of policy formulations and performing quasi legislative functions it tries to achieve its objectives. It also coordinates the working and operations of subordinate units. Amendment was brought under Criminal Procedure Code which made legal aid service for the destitute, mandatory for the lawyers. The Regulations on Legal Aid of 2003 formulated legal services as an entitlement of citizens. Number of legal aid programmes and establishment of legal aid centres provide for legal aid. Special programmes and appointment of lawyers are made especially for women. Fellowship is provided for legal aid providers to work in remote areas.²⁰⁵ Since 2000, there are more than 200 clinical Legal teachers and Legal Aid Centres in Law Schools.

Malaysia

Limited form of Clinical Legal Education is provided in Malaysia. There are no Legal Rights Awareness and Legal Literacy programme. Law Schools can help by collaborating with Government, or through Bar Council, Court, National Legal Aid Foundation or Non-Governmental Organisations.

Philippines

Clinical Education Programmes are responsible for implementing the Legal Aid services in Philippines. Students have built Philippines' Alternative

²⁰⁴ United Nations Development Programme, Global Study Report on Legal Aid (United Nations office on drugs and crime, 2016)

²⁰⁵ Mark Jia, "Legal Aid and the Rule of Law in the People's Republic of China", 1 *Maryland Series in Contemporary Asian Studies* (2011).

Law Groups (ALGs).²⁰⁶ ALGs work on various social issues as well that helps to operate at grassroot levels.

Bangladesh

In case of arrest and detention the Constitution of Bangladesh, 1972 provides for the right to be defended by a lawyer of choice. A legal outline was structured through the Legal Aid Services Act (2000), to provide pro bono services to people who cannot ensure justice for themselves owing to the socio-economic reasons. The National Legal Aid Service Organisation (NLASO) a statutory body was also established under Ministry of Law Justice and Parliamentary Affairs. In 2015, Legal Aid Services Regulations were also framed. Currently, within the court premises NLASO has established legal aid offices in 41 districts and 64 committees for district legal aid committees. Roster of panel lawyers is also maintained by the District Legal Aid Committees (DLAC), which is also responsible for monitoring the quality of legal aid services provided by the panel lawyers.²⁰⁷

CONCLUSION

After doing a comparative analysis of the legal aid practices followed across the world, the following guidelines have been compiled which primarily focuses on the vision of best practices in legal aid. Legal Aid has several potential users and usages. It can serve as a torch light for law schools in affirming their role in spreading legal awareness as well as becoming instrumentality in providing legal aid services.

It could also help teachers improve course structure and design comparing it to best practices of legal aid followed across the globe. This shall also facilitate dialogue about legal aid amongst academicians and the other members of the field. A thoughtful reconsideration of legal aid education in India has been long overdue.

²⁰⁶ Shashikala Gurple, Rupal Raut Desai, "Revisiting Legal education for Human Development: Best Practices in South Asia", 157 *Procedia - Social and Behavioral Sciences* 254 (2014).

²⁰⁷ Government of the people's Republic of Bangladesh, Law and Justice Division, "National Legal Aid Services Organisation", Available at: http://www.lawjusticediv.gov.bd/static/legal_aid.php (Last visited on November 19, 2018).

8.3 Summary of Best Practices

- The three “R’s,” recruitment, retention and recognition, can be the features of a successful legal aid program. Recruiting competent and enthusiastic volunteers is the first step.
- Engaging specialised teachers and program staff.
- Multiple techniques and processes need to be developed for appointing new student volunteers, towards achieving goals and setting priorities.
- For the identification of the needs of the client, the program should seek to organise meetings of specialised volunteer attorneys .
- It is important to advertise specialised area of law in which the clinic provides legal advice and resources should focus on that.
- A plan can be developed by each Legal Service Organisation (LSO) for maximum impact. There should be training and a pledge to take a free legal aid case.
- There must be clarity about the strategies to be developed and progress that needs to be measured by each LSO who sets the advocacy planning objectives. The most efficient LSOs in representing their client follow a set of pre-established core principles.
- LSOs must not have communication gap with the communities by having on-going dialogue. This will help in setting priorities for the work.
- Social media sites like Facebook and Twitter can be used as the platform to advertise opportunities for volunteers and to recruit them.
- Long term priorities can be set formally, whereas, flexibility can be provided for adjusting short term priorities.
- Strategic decisions can be taken by LSOs in regard to case acceptance policies. For instance, they can decide and communicate whether there will be adoption of first-come-first- serve basis or priority system.
- The work taken by LSO should focus on completing the already planned priority cases rather than working on an ad-hoc basis.
- While formulating the advocacy planning objectives assessment of the resources must be done both ways i.e, within and outside the LSO
- LSOs should be ready for the challenges while putting efforts.

- For ensuring the high standards, LSOs must have systems for training, supervising and evaluating staff and volunteers.
- For assessing the impact of their work a system can be devised. For example surveys related to client satisfaction. The best way to assess the progress is regular consultation with clients.
- Strategies related to the financial sustainability can be devised. As it usually involves aspects of funding by government and private. Often, they raise funds by public interest work also.
- To maintain independence from the government, pecuniary help can be sought from several other sources.
- This document's proposed network of LSOs will have dual benefits. It will allow an exchange of knowledge and skills, as well as the advancement efforts of the LSOs to become advocates for themselves.²⁰⁸
- Creating a telephone based legal assistance setup which provides a single portal through which masses can have an easy access to legal aid:
 - The staff of this set up should be able, sympathetic and empathetic.
 - They should analyse in socio legal method the problem of the caller and be able to give preliminary advice that is legally correct.
 - A paralegal/intern should be the first choice to handle the phone call. Screening of applicant is also necessary at the first call itself.
 - The data collected and advice given at the first call should be recorded and the paperwork should be reviewed by lawyer.
 - The staff should have analytical skills, legal knowledge and resource material to aid them.
 - The staff should be trained in best practices around the world to enhance outcomes for clients. Any caller who is less likely to follow up the advice may also be identified and the staff should be given a protocol to handle such cases.²⁰⁹

²⁰⁸ The International Bank for Reconstruction and Development, *Legal Services for the Poor Best Practices Handbook* (The World Bank, N.W. Washington, DC 2003).

²⁰⁹ Swapping Ideas: The Academy, the Judiciary and the Profession, Australian Academy of Law 2008 Symposium Series, *available at*: <http://www.hcourt.gov.au/publications/speeches/current/speeches-bychief-justicefrench-ac> (Last visited on September 6, 2018).

- The legal aid provider should have a central database, or a case management software covering the entire intake of cases to allow information sharing and system wide conflict checking. Therefore e-management is necessary
- The software may have list of questions and advice for applicants keyed to legal problems. It may also have referral information on other agencies and service providers that may be of help to the callers or applicants.
- The software should be able to help lawyers to “ping” cases for a call-back. This shall be helpful to check the progress for cases in which the problem is particularly likely to have serious consequences if the advice is not followed.
- Physical accessibility to public at large in rural areas. This awareness can be created by awareness camps.
- Inclusion of legal aid in the curriculum for both students and faculty and credits to be allocated for the same to both students and faculties involved.
- Legal service authority should be more robust. Inclusion of all lawyers in pro bono work provides opportunity for lawyers to learn different areas of law and also helps the society in getting aid.
- Law universities should aim to arrange funds for the Legal Aid Cells from their own resources.
- Involvement of Judges and law firms shall also greatly benefit such program. They should actively or passively volunteer for pro bono work.
- Senior and retired judges should be actively involved in pro bono service. There should be formal communication to them from the law school inviting them to join the pro bono opportunities available.
- Litigation free pro bono services may be given to legal professionals who are retired from the services. They can help by providing mentoring, mediation and community legal education programs.
- Talent of law professional should be utilised for a humongous range of legal aid services that are not in conflict with their duties. The Government

should come up with a policy to facilitate pro bono service that does not conflict with government duties of teachers and state lawyers.

- By identifying local law firms that have expertise and specialisation in specific practice areas for legal aid programs such as family law, real estate or labour laws.
 - By Developing small, regular and large legal aid projects to be managed by the firms and teachers together as contribution to the pro bono effort.
 - By organising a monthly or quarterly 'Ask a Lawyer' program or adopting villages for counsel session conducted frequently.
 - By developing several short-term free legal aid opportunities for non-legal personnel and legal practitioners who wish to work as volunteers on a regular basis and does not require direct representation.
- Provide opportunities for advocates to work on supporting the resources.
 - The lawyers can assess cases, preparing substantive materials like manuals, handbooks, and sample pleadings and forms.
 - Law firms can help in fund raising. They should have concept of legal social responsibility like Corporate Social Responsibility (CSR).
 - Create system of recognising and honouring legal aid lawyers for their helpful services and contributions for the delivery of free legal aid services. Acknowledgement of law school volunteers shall go a long way in having a reliable system of legal aid
 - There should be online opportunities for busy lawyers that can create access across boundaries either physical or geographical. Volunteers only register on website and commit to take a pro bono case in exchange for a password or coupon code providing access to the webcast/ e-library for a given period of time.²¹⁰

²¹⁰ M. Keyes and R. Johnstone, "Changing Legal Education: Rhetoric, Reality, and Prospects for the Future", 26 *Sydney Law Review* 537 (2004).

- Provide client sensitivity so that callers and applicants trust the program. It should not seem part of social service bureaucracy. Client should not feel intimidated dealing with lawyers and the legal system. The applicant should be informed about procedures and his or her hurdles, inabilities should be understood. Client needs to be given functional literacy.
- There should be presence of bilingual staff to explain to non-English speaking clients to make them understand all communications.
- Develop methods to deal with especially abled clients.
- Establish a confidentiality policy for staff and volunteers to prevent an unauthorized disclosure of confidential client information.

8.4 Best Practices For India Which Need Immediate Attention

The approaches most likely to contribute to institutional impact and establish a strong legal aid system can be enumerated below:

- Law schools, Bar, Judiciary and Government need to have an online facility for legal assistance.
- Well-coordinated legal aid program in a law school with compulsory involvement of students and teachers.
- Adoption of nearby villages for all kinds of legal assistance required in the area.
- Community radio programmes can be run by universities with the access to such labs for nearby areas.
- Legal awareness can be given to gram panchayats (the smallest unit of local government) through short film, posters, and wall paintings. Community members should also be informed about the roles and responsibilities of village education committees, right to information and complaint procedures, and the benefits to which students are entitled, such as uniforms, textbooks, and meals.²¹¹

²¹¹ Priyanka Pandey, Sangeeta Goyal, and Venkatesh Sundararaman, "Community participation in public schools: the impact of information campaigns in three Indian states", 17(3) *Education Economics* 355 (2009).

- A Public Defenders Service (PDS) with salaried lawyers working on defence cases should be established. State-employed defence lawyers must be sufficiently incentivised to go the extra mile on a client's behalf.²¹²
- Next to legal literacy, the most common approaches are community mobilization and advocacy. Matters can be resolved through Mediation/ADR interventions in petty/ small cause court matters.
- Need to explain the importance of community because at times a 'group can do things an individual cannot'. Such groups will be particularly beneficial for women in matters relating to sanitation, health awareness and domestic violence. Such groups can act as an impetus, courage and motivation for organizing social action.
- Civil society groups can be given eminence, like in case of Parivartan, a civil society group which focused on corruption and other issues of justice. They also started an intervention that combined community monitoring, advocacy and Right to Information to push for better delivery of subsidized grain through the Public Distribution System (PDS).²¹³ This led to the improvised distribution the next year by the influence of public and law. but based on this success, Parivartan and its constituents based on this success thrusts for the institutionalization of close examination through public hearings within Delhi's Public Distribution System mechanism.
- Awareness programs for public officials of the role of free legal aid in ensuring '*justice to all*' and also to educate and train them. To ensure that the right to legal aid is provided at all stages of criminal, civil and administrative proceedings.
- In the formulation of policies related to the legal aid to maximise public participation Government should establish cooperative arrangements with a wide range of stakeholders, such as NGO, community-based

²¹² "Legal aid: how has it changed in 70 years?", *The Guardian Available at: <https://www.theguardian.com/law/2018/dec/26/legal-aid-how-has-it-changed-in-70-years?fbclid=IwAR1TeVTy--AKnWaK2WanIAWJP5WEWhZazJiORaNRAXbgU8zRkP1tqGXyow>*

²¹³ Suchi Pande, "The right to information and societal accountability: the case of the Delhi PDS campaign", 38(6) *Institute of Development Studies* (2008).

organisations, religious and non-religious charitable organisations, professional bodies and associations and academic institutions.

- Fiscal and operational system to be made by the Government for the sustainable legal aid program. This may include, establishment of infrastructure, an independent, cost-effective, professional and quality driven case management system, with the ability to satisfy the needs of the community in the long term. The decision of the (DSLISA) to partner with the Mission Convergence Programme of the Delhi Government was a strategic move. It resulted in the Gender Resource Centres (GRCs) being used for placing student volunteers during a summer and winter internship programme. Interns are trained to work with the community, and to provide training and awareness generation.
- One of the important functions of the legal authorities comprises of training panel lawyers. Monitoring of the service quality is a necessity. Training programmes which are conducted within court premises by retired judges, senior lawyers and sitting judges, for the lawyers considerably brings down the cost of training.
- States to formulate structure for spreading legal awareness at the school level. That will probably lead to an informed next generation.
- To avoid duplication as well as to bring uniformity in the legal aid mechanism the SLISA should provide itself as a common and an only system that needs to be consulted, advised and used for conducting programmes and meetings. This implies that the SLISAs must strive to increase the level of coordination, synergies and policy coherence with the relevant organisations and Government Departments.²¹⁴

²¹⁴ Government of India and United Nations Development Programme (UNDP), Workshop Report on Validation of needs, an assessment study of legal services authorities (Ministry of Law and Justice, October 2012).

Part IX

Digitization Policy: A Way Forward

9 LINK BETWEEN BAR COUNCIL OF INDIA AND THE LAW SCHOOL

9.1 Bar Council of India and Law Schools; Legal Aid Services

The Bar Council of India aims at providing Pro Bono Legal services to the society by making the law schools its instrumentality. By the Rules of Legal Education 2008 of Bar Council of India, formation of Legal Aid Cell and teaching of practical subjects is a mandate to be followed by every law school. The idea behind making it compulsory for law schools is to make students familiar with ground realities of our system as well as to make the concept of '*justice for all*' a reality for Indian System. With the help of law schools in India large section of society can be helped by students, academicians in collaboration with advocates. Various law colleges in the past decade have committed towards achieving this goal.

21st Century from the very beginning was heralded with technological advancements. Indian society which is amongst the largest users of the internet service can very much be benefitted by the same. Digitalizing the legal aid service can bring it one step closer to achieving the goal of *pro bono* legal service for the disadvantaged group of society. Government has taken various steps in this direction. In the recent past the Ministry of Law and Justice , Department of Justice, introduced *Pro Bono* scheme, *Nyaya Mitra* and Tele Law. Many law schools also have taken commendable steps in making it a reality. Rules of Legal Education, 2008 however, nowhere talks about the digitalization by law schools. But to keep up with the technological developments in the field of education and also elsewhere it is now necessary that Indian law schools also provide a set up for free legal services.

9.1.1 Part- IV Rules of Legal Education Under Bar Council Of India with respect to Legal Aid

Following are provisions related to legal aid services under Part-IV Rules of Legal Education under Bar Council of India.

- Provide that law school should facilitate provision for facilities imparting practical legal education by way of rules specified, Moot Court training and Legal Aid Cell
- Under the rules for accreditation status of Free Legal Aid Centre and legal literacy program run by the Centre of Legal Education is one of the criteria.
- Under the scheme of Moot Court exercise and internship marking each student is required to interview two clients at the lawyer's office or the Legal Aid Office and record the proceedings in a diary
- Under the Schedule III in order to run a law course in an Indian University each institution shall establish and run a Legal Aid Cell 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.

Section 4 of Legal Services Authority Act, 1987 provides for development of programmes to promote, guide and supervise clinical legal education and working of legal services clinics in universities, law colleges and other institutions.

9.1.2 *Status Quo* of different Law Schools

To study and analyse the working of law schools toward digitalising the free legal aid services, status of National Law Schools and Private Universities and State Universities needs to be compared. The study here is restricted to four states in northern India. Data from all the zones across India have been incorporated.

National Law Schools

- National Law University, Delhi
- Dr. Ram Manohar Lohia National Law University, Lucknow

- Rajiv Gandhi National Law University, Patiala
- National Law University, Shimla

State Universities

- GGSIP University, New Delhi
- Lucknow University, Lucknow
- Himachal Pradesh University
- Jamia Millia Islamia, Delhi
- University of Delhi
- Guru Nanak Dev University
- Gautam Buddha University
- Aligarh Muslim University
- Banaras Hindu University
- Allahabad University

Private Universities

- Amity University
- Career Point University
- Galgotia University
- Integral University

National Law Schools

National Law University Delhi has a fully functional Legal Aid Cell. A lawyer from south west District Legal Services visits the Legal Aid Cell once a week to deal with grievances. The legal aid committee extends its services not only the area around Dwarka but to staff and other members also. Cases are recorded and follow ups are provided. Official phone number is provided to specially deal with the cases. There is no digitalisation and no websites or blogs. Dr. Ram Manohar Lohia National Law University Lucknow and Rajiv Gandhi National Law University, Patiala also deal with awareness camps and provide services but have no digital setup. RGNUL: Worked towards education of

children of migrant workers by the university students. Successfully enrolled three students in government schools under Right to Education Act, 2009. National Law University, Shimla has a clinic that is in nascent states. None of them have followed any digitisation process.

State Universities

Law Centre-I of Delhi University provides an extensively developed system for providing free legal aid services in tandem with the motto of Justice for all. The centre provides

- Community Outreach Programme
- Legal Aid Cell Sessions
- Street Plays
- Miscellaneous Project Work in coordination with the DSLSA

Apart from the above initiatives the College also has an online portal which particularly deals with legal aid services. On the home page it states the people who are entitled for availing the free legal aid services. The LSS draft Constitution is also available which deals with details of faculty and students' registration, tenure and removal. The structure and hierarchy is provided in the draft Constitution. The clinic came into function from 1st September, 2012. It works on every Saturday from 10 A.M. to 1 P.M. Para Legal Volunteers (PLV) and Faculty Members manage the legal Services Clinic. There is no digitalisation of legal aid services.

Faculty of Law, Aligarh Muslim University maintains the legal service centre to provide the legal guidance and spread awareness about the same to the marginalised section of the society. They have a tie-up with Centre for Distance Adult Education which organises Women and Child empowerment programmes since 2002. The students involved in the service are trained, guided and supervised by the faculty members and the local judiciary. There is no digitalisation of services and no online awareness blogs

Benaras Hindu University has one of the oldest mechanisms for providing the free legal aid services to the society. The clinic is serving the society since

1977. Faculty of Law, BHU has tie-up with Woman Study Centre on a formal and periodical basis and also with District Probation Office, Varanasi since 2017.

The Legal Aid Cell provides free legal counselling on all week days between 4:00 P.M to 6:00 P.M. The law school within the premises has a separate office. The Legal Aid Cell organizes other activities such as seminars, workshops, lectures by experts, paralegal training for volunteers of NGOs, legal awareness camps, legal awareness exhibition, legal research and advocacy etc. The member of the clinic are engaged in spreading legal awareness in rural areas through street plays as well as legal aid camps where they make the target population aware of different legal service program and guide them to avail these facilities. There is system of online awareness available.²¹⁵ However, but there is no digital setup.

Jamia Milia Islamia has been doing good work with the legal service authority. They have done projects like Manual Scavenging Project in association with Safai Karamcharis. Aanganwadi Project in Khanpur and Sangam Vihar. Legal Aid Cells in GGSIPU have worked in nearby villages e.g. Bharatpur to provide the marginalized community to gain access to public services like helping them in making Aadhar Cards. Over the years the visitors in the Legal Aid Cell in law schools like Campus Law Centre, Jamia Milia Islamia have resulted in better access of these Legal Aid Cells to the visitors. In the State of Delhi there are law schools like Campus Law Centre and Law Centre - I where sheer volume of student volunteers under the aegis of rotational staff has increased the participation of students. On the other hand, Legal Aid Cell of GGSIPU needs to follow this model and increase its visibility and participation. Department of Law, Himachal University has been organising Lok Adalat visits etc.

Private Universities

In the State of Uttar Pradesh, Private Universities like Amity University and Galgotia University witnessed high footfall. The location of Amity University

²¹⁵ website-<http://www.bhulasc.com>

worked in its favour and they were able to make their presence felt. The State Universities, though old and prestigious were working only informally and they were using the efforts of the volunteers. Aligarh Muslim University has been working towards spread of legal education but the results were far less than the Private Universities. The traditional model of law schools was observed in Punjab, where even the private universities have not ventured to take help from private players even for the funding of their research projects. It was gathered from interaction that there exists confusion about protocol and also the limit to which the private agency could be involved. Lack of formal rules seem to add to this confusion.

9.1.3 Conclusion

The data provided above is proof that India is lagging behind in digitalizing the dream of providing free legal aid across India. Digitalization process will help bring transparency in the system. It is suggested that a common portal is required as it can unite the efforts of law school with the intention of Bar council of India to provide the legal aid to all sections of the society.

Common portal can reduce the duplication of work and can be accessed anytime and anywhere. It will help in bringing a system of checks and balances as nothing could be hidden from others. As the Bar Council has already mentioned in the rules regarding requirement of Legal Aid Cell in law school, it is high time the utmost importance of materialising should be felt and worked upon. Common portal will help instil the sense of social responsibility amongst the young minds of legal field.

9.2 Link Between The Law School And The Community

Law school's function cannot be limited to class-room teaching. There exist certain duties which a law student owes to the community. Providing legal aid is one of them. The same has also been mandated by BCI. The off campus Legal Aid Cell can be opened by law schools as they will be more accessible and user friendly to public. The requisite information can be made available in easy and various languages for the convenience of the needy. Legal Aid Cells

can create legal aid mobile application having linkage with other applications. Other facilities like video conferencing should also be made available. To motivate students and teachers for legal aid work, academic credit system must be provided for both of them. The establishment and functioning of Legal Services clinics in universities, law colleges and other institutions need to be supervised by Legal Services Authorities. Minimum standards and common guidelines should be laid down by the Head of the law school for identifying interested students and training them so that they get fully involved with the ground realities and meeting people, hearing out their problems. The art of client counselling must be taught by law teachers to the students which will help them in understanding and helping the people who visit the Legal Aid Cells. The Ministry of Law and Justice can give training training/internship to students to familiarise with practical aspects of law and its implementation which will in turn enable the students to provide better legal services to the community.

Legal Aid in Australia

India, for legal aid, can look up to Australia as Australia has a clinical legal education in true sense. As the clinical legal education is intertwined with social justice the Legal Aid Cells have resulted in teaching students about advocating for the benefits to society. It teaches the students about the skill-set required and values that are needed while working for the community justice. As the phenomena there, is well established, they have innovative models, multidisciplinary and international clinics which cater to the service of the community. For a Legal Aid Cell to work efficiently, students must be taught about the social justice aspects in their classroom itself. Also, the legal system must remain essential to clinical teaching.

The main thing which distinguishes the community legal centres in Australia is their commitment towards legal aid to community. Through plain language materials and active engagement with the community, they empower people to engage effectively with law. Community legal aid education helps the students to realise their own power and thereby combine their profession with the community. By working together, the knowledge of the lawyer and of the community gets complemented.

By helping the community, law students get a chance to understand how law impacts people and perceive their responses. As a result, the law students critically analyse about the various ways in which s/he can develop to promote access to justice. There lies a difference between community development work and community legal education as it empowers communities to develop on their own and it is done through action, advocacy, education and litigation, if necessary. Australian law schools have explored different approaches to clinical training and effective practice through workshops and colloquia and came up with seven key elements of clinical method: Course Design, Law in context in a Clinical Setting, Supervision, Reflective Student Learning, Assessment, Staff and Infrastructure. These practices were endorsed by Council of Law Deans (CALD) in November, 2012 and Commonwealth Government's Office for Learning and Teaching (OLT) approved a project in which they substantiated these practices saying that they had momentum to assist Australian law schools in improving their approaches.

9.3 Summary of Best Practices

For a *pro bono* program, there are following three requirements:

- Recruitment;
- Retention and
- Recognition.

Competent and enthusiastic volunteers, specialised teachers and staff should be engaged. For the recruitment of student volunteers various techniques and processes should be developed based on the priorities. The Legal Aid Cell must advertise the specialised field of law for which the same provides legal aid. For advertisement of volunteer opportunities and recruitment of volunteers, help of social networking sites like Facebook and Twitter can be taken.

There should be training and a pledge to take a *pro bono* case. The cell must set certain objectives. Accordingly, the strategies should be developed. This shall result into a set of pre-established core principles in representing the

clients. Setting priorities must be done after having a dialogue with the community.

The cells must have systems for training, supervising and evaluating staff and volunteers to ensure continued high standards. Also, the clinic should devise assessment system to assess their work by considering client satisfaction and opinion of members of community.

The Legal Aid Cells should work towards financial sustainability too and seek financial support from various sources to maintain a level of independence from government.

A telephone based legal assistance can be developed. This shall act as a single portal to the members of community to seek legal aid. The phone calls should be handled by a paralegal/intern. Details of every call should be recorded which shall include the advice given to the caller.

E-Management is necessary through which legal aid provider can have a central database or a case management software covering the entire intake of cases to allow information sharing and system wide conflict checking. There may be a list of questions and the advice keyed to legal problems in the software. It may also have referral information on other agencies and service providers that may be of help to the callers or applicants. The software must be designed in such a way that it helps lawyers to 'ping' cases for a call back. It will facilitate to check the progress for cases in which the problem is particularly likely to have serious consequences if the advice is not followed. The awareness regarding physical accessibility to public at large in rural areas can be created by awareness camps. Legal aid must be included in the curriculum for both students and faculty and credits to be allocated for the same. Inclusion of lawyers in *pro bono* work can provide opportunity to them to learn different areas of law and help the society.

The funds for Legal Aid Cells should be arranged by law universities from their own resources for which judges and legal firms can be involved. The senior and retired judges can be formally invited by the law school to join them for the *pro bono* service. Certain non-litigation *pro bono* services may be given to retired legal professionals such as mentoring, mediation and community legal education programmes.

Talent belonging to legal profession should be utilised for *pro bono* services. Government must come up with a policy to facilitate *pro bono* services that does not interfere with government duties of teachers and state lawyers. Local law firms having expertise in specific areas for legal aid programs such as family law, bankruptcy, immigration or real estate must be identified. Small, medium and large *pro bono* projects must be developed and managed by the firms and teachers together. 'Ask a Lawyer' program should be organized monthly or quarterly to conduct frequent counsel sessions. Short term *pro bono* opportunities must be developed for non litigators and practitioners to volunteer on a regular basis. The cases can be assessed by lawyers and substantive materials like manuals, handbooks, sample pleadings and forms may be prepared. Fundraising can be enhanced by law firms by introducing the concept of Legal Social Responsibility like Corporate Social Responsibility (CSR). A system must be created to recognise and honour *pro bono* lawyers for their outstanding service and contribution to the *pro bono* legal services. Law school volunteers must be acknowledged to have reliable system of legal aid. Online opportunities for busy lawyers will help in creating access across boundaries, either physical or geographical.

Client sensitivity must be provided so that callers and applicants can trust the program. There should not be feeling of intimidation in the mind of the client and the applicant should be informed about the procedure and its hurdles and inabilities must be understood. Bilingual staff must be present to give explanation to non-English speaking clients. Methods must be developed to deal with specially abled clients. A confidentiality policy must be established for

staff and volunteers to prevent an unauthorized disclosure of confidential information.

9.4 Immediate steps to be taken

There is a need for certain steps to be taken immediately to strengthen the legal aid services in India.

- There should be an online facility for legal aid by law schools, bar, judiciary and the government;
- Law schools must have well coordinated legal aid program with compulsory involvement of students and teachers;
- There should be adoption of nearby villages. Law schools should run community radio programmes for nearby areas;
- The Gram Panchayats of villages can be made legally aware by way of short films, nukkad natak, wall paintings and posters. The same will be helpful in making members of community aware about their rights and the benefits to which they are entitled;
- Alternative dispute resolution methods like mediation can be explained to people that will prove beneficial in petty/small causes court matters;
- Student volunteers can be placed for internship with certain government departments where they can be trained to work with the community and to provide training and awareness generation and
- Law students can be sent to schools for certain awareness programmes that shall ensure that the coming generation is aware, sensitised, respectful of the rule of law, and become harbingers of change.

9.5 Digitization in Legal Profession and Community Services

- Digitalization of campaigns like '*Beti Bachao Beti Padhao*'²¹⁶ and creation of portals like e-Pathshala²¹⁷ have not only helped link the various education institutes by sensitizing importance of imparting education, but has also made textbooks available online to stakeholders like teachers, students and parents which has made it accessible for the rural lot of the country;

²¹⁶ <http://www.wcd.nic.in/bbbp-schemes/> (Visited on November 6, 2018).

²¹⁷ <http://epathshala.nic.in/> (Visited on November 6, 2018).

- e-Granthalaya²¹⁸ is another application created by National Informatics Centre (NIC) which provides the facility for citizens, particularly students to gain access to an online library with member services available. These facilities are not only helpful for the aspiring students but also the people of rural India where books are not available;
- Like other major areas where e-governance has tried to spread its sphere of influence, law and order is arguably the most important ones. Whether it be an attempt to computerize prison and prison management in the jail through e-Prison Project²¹⁹, or a scheme to make reach the optimum efficiency of policing through launch of Crime and Criminal Tracking Network and Systems (CCTNS), government has certainly impacted the area with this digitalization attempt at better regulation of order in the society and
- For the disposal of pending cases in the country, the government recently decided to transform the court room management into paperless, digital entity. This process has been expected to have a great impact on the justice delivery system with an aim to provide speedy justice to the citizens of India.

9.6 Conclusion

After doing a comparative analysis of legal aid practices followed across the world, especially United States of America, United Kingdom and Australia, the best practices in legal aid have been compiled. It could serve as a road map for review of a law schools' program of instruction and delivery of legal service education. It could help teachers to improve course structure and design legal aid education which needs a serious, thoughtful reconsideration.

Some of the work has already been done. In the year 2017, in order to institutionalize the delivery of legal aid services to the marginalised communities, *pro-bono* legal services platform www.doj.gov.in was also launched where litigants from "marginalised communities" who were not able

²¹⁸ <https://egranthalaya.nic.in/> (Visited on December 15, 2018).

²¹⁹ <http://digitalindia.gov.in/di-initiatives> (Visited on December 6, 2018).

to afford to pay for legal services could seek legal aid and advice from pro bono lawyers by applying for it.²²⁰ In addition, the *Nyaya Mitra* program was launched in 2017 to collaborate with the e-courts wherein retired judicial officers could assist as “friends of the law” in resolution of cases that have been pending for more than ten years as per the National Judicial Data Grid.²²¹ This is aimed at resolution of cases for litigants whose cases have been pending investigation and trial and thus cut delay in deciding of cases. Another innovation of technology is “tele law” which would help to connect lawyers with clients by video conferencing through Common Service Centres launched in Uttar Pradesh, Bihar, North Eastern States and Jammu and Kashmir.

²²⁰Priyanka Mittal, “Law ministry launches 3 legal aid services for poor” Mint, Apr.20, 2017. available at: <https://www.livemint.com/Politics/WRepRAhQvdKgngmFjlq8FP/Law-ministry-launches-3-legal-aid-services-for-poor.html>

²²¹*Ibid.*

PART-X

REPORT OF THE SYMPOSIUM

STANDARD OPERATING

PROCEDURE

10. Symposium" Right to Legal Aid: Inclusivity Redefined"

10.1 Symposium Report

The University School of Law and Legal Studies (USLLS) on 23 November, 2018 organised a symposium with theme - "Right to Legal Aid: Inclusivity Re-defined".

"Nothing rankles more in the human heart than a brooding sense of injustice. Illness we can put up with. But injustice makes us want to pull things down. When only the rich can enjoy the law, as a doubtful luxury, and the poor, who need it most, cannot have it because its expense puts it beyond their reach, the threat to the continued existence of free democracy is not imaginary but very real, because democracy's very life depends upon making the machinery of justice so effective that every citizen shall believe in and benefit by its impartiality and fairness."

Well known words of Brennan J. quoted in *M. H. Hoskot v State of Maharashtra* (AIR 1978 SC 1548)

The symposium started with the opening words of Prof. Kanwal D P Singh highlighting the importance of legal aid and the hurdles faced by the law schools, especially the law schools under a Government University while rendering legal services to the needy people. The aim of the project basically is to highlight the difference of functioning, operation and the quality of delivery of services rendered by the various legal aid cells of the National Law Universities and the law schools of other universities. This project report is the successful outcome of the hard work by the esteemed faculty members, dedicated students and the motivated staff of USLLS. The pain taken by the teams consisting of the students and the faculty members in visiting the specific universities and collecting relevant data is highly commendable. Further the organization and analysis of the data so collected by the research scholars, faculty members and the experts in the field is again applaudable.

The symposium was conducted in two sessions - morning session and the post lunch session. The morning session was dedicated to the individual presentations of the expert speakers. In total eight eminent speakers were present to deliberate on the subject matter coupled with the experiences and

expertise in their respective areas touching upon the various dimensions of the legal aid.

The first speaker Dr. MRK Prasad discussed on the 'Role of Law Schools in promoting Legal Aid'. The role played by the law schools is essentially to impart the basic knowledge of law. Today the scenario is bit changed with more focus on 'to make a person lawyer in true sense'. It was highlighted by him that the very purpose of the law school fails if it is ignorant of the societal obligations to be fulfilled by it. The accessibility to a Legal Aid Cell (LAC) by the interested parties is a big issue as in most of the universities where such LAC is situated is has restricted entries. There is no point having a LAC inside an institution where physical access is limited or restricted owing to security issues concerning the institution. Further the allotment of credits to both students as well as the faculty members is extremely essential in today's scenario to encourage increased participation. The view put forth by him is that legal aid is actually '*pro bono*', we don't need any AC room; sit in luxury to carry out its operations. We just need honest intentions and minimum basic infrastructure to render legal assistance.

The second expert speaker Prof. Debaratti Haldar discussed her experience and the ideas on 'Women's Right to Free Legal Aid with Special Reference to Online Victimization: A Therapeutic Jurisprudential Analysis'. She narrated her journey of 20 years from being a lawyer to a *pro bono* lawyer. The eminent speaker highlighted the issues and challenges faced by women in obtaining legal aid specifically in the cases of domestic violence and cyber-crime against women (eg. pornography, online defamation and stalking, voyeurism etc.). The availability and accessibility to LAC by such victims is of great importance considering the traditional scenario of male dominated Indian society. As per her experiences many women victims are either afraid to seek any legal assistance in case of distress or if they are willing to set legal machinery in motion to seek justice for themselves they do not get any correct platform to approach for redressal of their grievance. Her idea is to use the law as medicine-therapeutic usage and these LACs will act as tools for providing the same.

'Legal Aid and the Citizens' Ownership of Law and its Delivery' was discussed and deliberated by our eminent speaker Dr. Ajay Pandey. It was highlighted by him that Citizens' ownership of law and its system is a pre-condition for law to deliver effectively on its promises. Any exploration to locate legal aid without this requirement may not help in finding it. Attempt to redefine inclusivity in the context of legal aid must include the pursuit of the question of citizens' ownership and larger appreciation of law. The professional associates of law in their various forms have to be entrenched in the needs and values of legal system enshrined in our Constitution. Law school is the first and the foremost avenue to train and orient these associates to respond to these needs in making law and its processes inclusive of masses and legal aid a reality. It was further highlighted by him that legal education cannot abandon its most fundamental duty to spread light and secure justice in society. Law schools have to work towards these larger objectives in revolutionising and transforming legal aid and access to justice in India.

Dr. B S Patil the fourth speaker of the symposium deliberated upon the 'Legal aid and Role of Educational Institutions' in highlighting the significant nexus between the legal education and the legal aid. The legal aid should be part of legal educational institution not simply because it has to provide the same in order to fulfil BCI guidelines but to let students understand their societal obligations of lending legal assistance to the needy people in order to help them secure justice. Critical thinking being necessary to the learning process imparted by every educational institution cannot be taught in the classroom rather learned from the experiences and here lies the importance of LACs in a law school. These LACs in a law schools serve dual purpose, firstly, to render legal assistance to the needy people of the society and secondly, to act as a tool to help law students develop critical thinking in the field of law. In this sense legal aid through these LACs assume broader perspective beyond the classic/traditional approach of rendering only legal services. The law students can be considered as 'half-baked lawyers' who under the guidance of faculty in-charge of legal aid can render better professional help and add a quality element to the legal services assisting in the administration of justice.

Dr. Kalpesh Kumar L Gupta proposed Court Management Model through legal aid. Access to justice and legal aid are essential for efficient and effective functioning of judicial system. It was highlighted by him that in India we have National Legal Services Authorities Act, State Legal Services Authorities Act and various functionaries such as District Legal Services Authorities and the Taluka Legal Services Authorities, all working efficiently in their areas/spheres with weak coordination in their functioning. The introduction of 'Legal Aid Index' was put forth by him which will rank the state for their activities, different programmes in the area of legal aid and awareness. The ranking will add element of competitiveness among states and various legal service authorities in execution of legal aid and awareness activities. Another idea strongly advocated by him is the award of 'Legal Aid Certificate' to the law student who has rendered legal aid services through LACs and the same should be considered compulsory criteria for the award of Law degree by a law school.

Dr. Nikhil Jain, the sixth speaker addressed the issues of legal aid and persons with disability. It was emphasized by him that despite having the Rights of Persons with Disabilities Act majority of such people are not aware of their rights and a few of them who are aware do not know the correct forum to approach in order to seek redressal of their grievances. The need to have special Legal Aid Cells to cater to the needs of differently abled persons was strongly advocated by him. The speaker also stressed on the fact that attitudinal barriers should be eliminated through disability sensitization of the masses.

Dr. Apaksha Kumar and her team from Delhi University elaborated upon 'Role of Law Students in Outreaching Legal Aid Services: Inclusivity Exemplified' highlighting the functioning and achievements of the legal aid society of their law school in detail. Their legal aid society focuses on two fronts namely, community outreach programmes and legal aid cells. The emphasis was laid on the fact that these LACs have improved the availability of legal services at the grass root level. Their perspective of inclusivity through LACs includes common man's perspective which focuses on removal of barriers of ignorance, neglect,

etc. to include common man into the mainstream. Further the law students should be considered as potential disseminators of justice.

Prof. Poorvi Pokhriyal, in her presentation, focused on the 'Community Lawyering for Cause of Social Justice'. Her views on inclusivity involved necessity of marching towards diversity coupled with sensitization of the students as well as other professionals of the legal community through community engagement process. The speaker strongly focused as to how students from effluent background can be exposed to the challenges, especially the legal ones, faced by the people from economically weaker section of the society. Another proposition put forth by the speaker is the dearth of correct and reliable empirical data on the current problems associated with provision of the legal services in the society.

University School of Law and Legal Studies (USLLS) prepared a Standard Operating Procedure (SOP) for LAC's and the afternoon session was fully devoted towards the brainstorming on standard operating procedure and digitization policy for the law schools along with areas of critical concerns with regard to legal aid, including but not limited to the following:

- Developing a cogent strategy to reach far outlying regions like a hill state, coastal area, etc.
- Planning and setting up of outreach centers.
- Degree/credit requirement as a measure to promote legal aid as part of the curriculum.
- Remedy the disconnect between the law schools and Bar Council of India.
- Bridge the gap between legal aid and community access to it through digitization.
- Teachers' input for promoting legal aid.
- Any other issue connected with the broad theme of the symposium.

Discussions on the above-mentioned points including other important aspects took place by various legal experts, specialists in various legal disciplines and legal practitioners from different legal culture. The exchange of ideas and sharing of legal expertise were very useful, informative and insightful

providing with lot of new and important inputs for the SOP. Some of the suggestions given by them are as follows:

- The law schools wherever needed, can open off campus clinic which will be more accessible to public. Off campus clinics will be more user-friendly.
- All the requisite information must be made available categorically in easy and different languages for the convenience and easy access of the needy.
- Legal aid mobile app can be created which will have linkage with other apps and facilities like video conferencing should be made available in the LAC's.
- Where in providing legal aid services to a beneficiary, it becomes necessary for the matter or dispute submitted to the Scheme by the beneficiary to be litigated or submitted to ADR specially mediation, the legal aid personnel who is taking legal action in court in respect of that matter shall endeavour to protect the best interest of the client and follow high ethical professional standards.
- There must be a provision for academic credit system for both students and teachers for legal aid work in order to motivate them. Teachers will be given points in API and work load relaxation. It will give them extra boost and help them work in a creative and enthusiastic way.
- Legal Services Authorities have to supervise the establishment and functioning of legal aid cells in universities, law colleges and other institutions engaged in the work of promoting the cause of legal services to the poor. They must facilitate law colleges in their legal aid work by establishing better networking with them.
- Legal Services Authorities should provide law students with internship opportunities in order to have first-hand experience and knowledge of the practical pitfalls and loopholes which they as students cannot be well versed with being proficient only in the theoretical knowledge.
- Head of the Law School should lay down minimum standards and common guidelines for identifying interested students and training them so that they get fully involved with the ground realities and meeting people, hearing out their problems.

- Head of the Law School has to connect with other Law Schools and seek association with Bar Association and Bar Council of India, thereby creating a national network of Legal Aid Cells for making the legal aid program successful as it is difficult for any one institution or organization to work single handedly on such a big project.
- Faculty members should take the duty of mobilising students to widen the outreach of the people with a view to create an enabling environment in which they are able to access legal aid mechanism for enforcement of their rights and to bring the students closer to the real life problems concerning people arising mostly due to disconnect with the law or due to its wilful ignorance.
- Teaching students, by law teachers, the art of client counselling will help them in greater understanding and helping the people who visit the legal aid cells.
- Intermediaries and community workers can connect people with justiciable legal problems to legal help available through legal aid cells by different ways like identifying legal problems and connecting people with information and resources that can assist them, referring people to specialized legal aid cells, providing assistance to complete legal forms and documentation work, accompanying people to court hearings, informing them correctly about the happenings and entertain their queries pertaining to the procedural aspects and rendering information about legal rights and court procedures.
- The Ministry of Law and Justice can give training/internship to students to familiarise with practical aspects of law and its implementation which will in turn enable the students to provide better legal services to the community.

In conclusion, Dr. Lisa P. Lukose, Associate Professor, USLLS, expressed hearty thanks to the invited guests, speakers and experts for sharing their opinions, experiences, and providing with a lot of valuable inputs to be included in SOP.

10.2 Standard Operating Procedure for Legal Aid Cells in University

The pendency of cases in our courts and lack of access to justice is no longer a theoretical subject but rather a matter of great concern. Thinking in depth about this concern, various ADR mechanisms have been advocated and accepted. Giving free legal aid to the needy has been taken as an effective tool to fulfil the constitutional obligation, in the form of Article 39A, of the State. It is long time that this concept of legal aid was articulated but access to justice for all still remains a distant dream and many genuine cases remain unattended due to non-availability of particular forms like legal aid cells to lend voice to their grievance and provide basic legal knowledge.

Ensuring legal services is the first step towards ensuring prompt and effective access to justice. Considering the mandate given by the Bar Council of India requiring all law colleges and universities in India to establish and administer Legal Aid Cells to ensure that the constitutional pledge is fulfilled in its letter and spirit and equal access to justice is made available to all. The underlying idea is not only to provide easy access to legal assistance but also to involve and motivate student community in fulfilling their societal obligation to render various legal services by way of actively promoting legal awareness through these Legal Aid Cells and programmes. Carrying forward this noble idea, our University strives towards setting up some standards to be followed by the Legal Aid Cell of our law school taking into consideration some well recognized principles which are essential in not only defending legal rights but also in recognizing, identifying and defining them.

10.2.1 BACKGROUND

Legal aid is an essential part of administration of justice which is aimed to ensure that nobody, actually in need, is deprived of an opportunity to seek justice merely for want of financial resources and legal knowledge. The supply and demand rule of economics does not cater to the needs of weaker and marginalized section of society as no uniformity in the fees charged by lawyers may lead to inequality in the quality of legal representation. Legal aid, which is

a movement, envisages that free and competent legal aid is provided to those who are not able to engage lawyers to represent them in their legal matters. This movement is not new to the Indian society as it started long back since 1950s. A National Committee (CILAS) was constituted in the year 1980 under the Chairmanship of P.N. Bhagwati, J. to supervise and monitor legal aid programs and activities throughout the country. The year 1987 witnessed a new dimension attached to legal aid initiative which proved to be very significant in Legal Aid history, as the Legal Services Authorities Act was enacted to provide a statutory base to legal aid programs in the country and bring about uniformity in the system. Various committees have been constituted under the Act with an aim to provide more organized support to the legal aid programme. There is Supreme Court Legal Services Committee. In every High Court, the High Court Legal Services Committees have been established to provide free legal aid to the eligible persons in legal matters coming before the High Courts. The Legal Services Authorities Act, 1987 also provides for constitution of the State Legal Services Committees, High Court Legal Services Committees, District Legal Services Committees and Taluk Legal Services Committees. Law schools are extending help by way of running Legal Aid Cells with the help of law teachers and students.

10.2.2 VISION

Better realization of the rights and responsibilities enshrined in the Constitution of India to ensure equality, easy access to justice and availability of better life opportunities.

10.2.3 MISSION

To emerge as a torch bearer with respect to the provision of accessible, ethical, sustainable and quality legal services to the poor and vulnerable class who cannot afford legal assistance owing to economic reasons.

10.2.4 OBJECTIVES/GOALS

The objectives of Standard Operating Procedure (SOP) are enumerated as follows:

- To analyse the functioning of Legal Aid Cells.

- To infuse digitalization in the administration and working of Legal Aid Cells.
- To assess the quality of legal services and advice.
- To promote appropriate ethics and values within the Legal Aid Cell.
- To render improved access to justice impacting on overall quality of life of clients.
- To improve effectiveness and confidence in the justice system.

10.2.5 Scope

This SOP applies to the Legal Aid Cells operating under the concerned law school and to anyone who submits his or her concern for guidance by the Legal Aid Cell of the University.

10.2.6 Establishment

The first and foremost requirement for the effective and efficient working of a Legal Aid Cell is that every law school must have established Legal Aid Cell rendering legal assistance. Further, for better functioning of a Legal Aid Cell it is extremely important to have special infrastructural setup exclusively dedicated to facilitate the better functioning of the Legal Aid Cell in a law school. Setting up of a Legal Aid Cell by any law school must always be considered a necessary requirement while seeking affiliation from the Bar Council of India.

10.2.7 Infrastructure

The establishment of a Legal Aid Cell necessarily involves efforts at following two levels:

Physical Infrastructure

1. The physical infrastructural setup necessarily includes the allocation of adequate physical space for better running of a Legal Aid Cell in a law school. Further, it requires setting up an enquiry window where litigants can approach the cell by filing in the necessary details, adequate space for facilitating the lawyer-litigant interaction and holding legal counselling sessions is a must for the adequate functioning.

2. Furthermore it is also very important to take note of the fact that this physical infrastructure includes placing of the Legal Aid Cell in a concerned law school at a place which is easily approachable by the people. Placement of hoarding or some sort of sign board indicating the presence of a legal aid will definitely ease the task of locating a working Legal Aid Cell by the unaware needy persons in need of legal assistance.
3. Further it includes making available of dedicated phone line facility to satisfy preliminary queries related to legal services over telephonic communications.
4. Wherever needed, the law school/college can open off campus cells which will be more accessible to public. Off campus Cells will be more user friendly.

Digitized Infrastructure

1. The digitized infrastructure related to provision of legal aid includes the availability of online portal which is open 24x7 to be accessed by the people in need of legal aid.
2. This online portal must have feedback option necessarily attached to its working setup in order to improve its working as per the experiences of the users.
3. Further, the online portal must be available in both Hindi and English language in order to increase its accessibility.
4. There must be availability of login facility by the users, students and the faculty members involved in the provision of legal aid services.
5. The display of case status will further improve the transparency as well as help in improving the efficient working of the online portal assisting the availability of legal aid services.
6. All the requisite information must be made available categorically in easy and different languages for the convenience and easy access of the needy.
7. Legal aid mobile app can be created which will have linkage with other apps and facilities like video conferencing should be made available in the Legal Aid Cells.

10.2.8 Funding

1. It is very important for every university (either exclusively dedicated to law or having law department) to establish 'Legal Aid Fund' to finance the legal aid system established to provide free legal services to the marginalized sections of the society who cannot avail the costly legal services owing to their poor economic conditions.
2. The Legal Aid Fund shall be budgeted from the concerned University's budget on the basis of the identified needs of beneficiaries and priorities determined by the Legal Aid Cell.
3. The primary source of revenue of the Legal Aid Fund shall be sums specifically allocated for legal aid in the University's budget. Other revenue sources of the Legal Aid Fund shall include:
 - a. Sums paid by way of contributions by legal aid beneficiaries, if any;
 - b. Sums received from foreign, regional and international donors, if any; and
 - c. Donations by private individuals, testamentary dispositions and contributions from philanthropic organizations.
4. The University/ the concerned law department of the University shall be responsible for allocating resources within the Legal Aid Fund for exclusive purposes as follows:
 - a. Remuneration for legal aid providers;
 - b. Payment of expenses, including expenses for expert witnesses, for translation, for collecting evidence and for overhead;
 - c. Covering operational costs and expenses of the Legal Aid Cell.

10.2.9 Policy

The Legal Aid Scheme is committed to providing quality service to all its stakeholders and beneficiaries and will adhere to the following standards:

- Employ competent personnel to provide a respectful, courteous and professional service to the beneficiary;
- Serve the beneficiary fairly as an equal citizen irrespective of age, race, gender, colour, language or belief;

- Introduce ourselves to the beneficiary and identify our role within the office;
- Explain our services and how the beneficiary can use them;
- Be courteous and approachable;
- Actively listen to the beneficiary, treat them with respect and dignity and try to meet their special needs by:
 - Using an interpreter when it is deemed appropriate;
 - Ensuring our service delivery is gender sensitive and culturally appropriate to beneficiaries; and
 - Enquiring about domestic violence where applicable and ensuring the beneficiary's safety as a priority.
- Use appropriate language when dealing with persons with hearing or speech impairments or who only speak and understand the local dialects.
- Ensure the beneficiary's confidentiality by treating any information given as confidential, unless the law provides otherwise;
- Be fair and unbiased in our assistance to beneficiary;
- Provide accurate and appropriate information and advice;
- Discuss the beneficiary's legal problem and help them understand their options including availability of legal aid;
- Listen and promptly respond to beneficiary's comments, suggestions and complaints;
- Direct beneficiary to information or other agencies who can best assist the beneficiary, when necessary.
- Where in providing legal aid services to a beneficiary, it becomes necessary for the matter or dispute submitted to the Scheme by the beneficiary to be litigated or submitted to ADR especially Mediation, the legal aid personnel who is taking legal action in court in respect of that matter shall endeavour to protect the best interest of the client and follow high ethical professional standards.
- A legal services provider and practitioner should strive to establish with each client an effective relationship which preserves client dignity and dispels any client fear or mistrust of the legal system.

- The Legal Aid Scheme shall explore innovative means of harnessing technology and new media approaches in interacting with stakeholders to promote a healthy and informed public discourse and debate over the work and processes of the Legal Aid Scheme.
- There must be a provision for academic credit system for both students and teachers for legal aid work in order to motivate them. Teachers will be given points in API and work load relaxation. It will give them extra boost and help them work in a creative and enthusiastic way.

10.2.10 Procedure

A legal aid personnel must:

- Where the matter is already before court, take steps to appreciate the issues and also take steps to protect the interest of the client while an assessment is being made on their eligibility for legal aid.
- Have knowledge and understanding of the substantive law that applies in the area of law being undertaken pursuant to legal aid and be in a position to address any substantive issue as may arise.
- Have knowledge and understanding of the procedural law that applies in the area of law being undertaken pursuant to legal aid and be in a position to address any procedural issue as may arise.
- Have up to date knowledge of relevant legal aid legislation and processes and inform beneficiaries of their rights and obligations in relation to legal aid.
- Return where necessary for re-assignment, any matter for which the personnel has insufficient experience or skill to competently represent the beneficiary, or is too busy to undertake.
- Exercise independent professional judgment on a beneficiary's behalf and exercise due care in giving appropriate advice to a beneficiary that is legally correct and appropriate, including the use of evidence and experts, dispute resolution and options following the outcome of the case.
- Communicate with the beneficiary in a way that is clear, appropriate and tailored to the beneficiary's circumstances and keep the beneficiary

informed about the progress of their case, the procedural and substantive issues.

- Maintain a record of important advice given and a record of key instructions.
- Conduct himself or herself in a manner that respects the parties involved and does not inflame the dispute between the parties.
- Lawyers should avoid conducting proceedings in a manner that will increase distrust, hostility or animosity between the parties without achieving any significant and legitimate benefit for the beneficiary.
- Maintain networks of support to provide adequate back up in case of illness or other genuine unavailability.
- Supervise adequately and have a plan for the review and supervision of any person undertaking legal aid work under his/her supervision.
- Take care to maintain the privacy interests of people named in Court documents so that unintended parties do not obtain access to personal information.

A legal aid personnel in acting for a beneficiary must:

- When communicating with the beneficiary, endeavour to use language that is understandable, free from unnecessary jargon and appropriate to the age, gender and capacity of the beneficiary.
- If appropriate, seek the use of a qualified interpreter.
- Give timely, appropriate and sufficiently detailed advice and explanations to the beneficiary to enable him or her make an informed decision about the matter.
- Advise the beneficiary of the steps that he or she can or ought to take in order to assist the efficient and effective conduct of the matter.
- Advise the beneficiary of relevant aspects of the matter, including the material evidence, risks, costs, liability and merits of settlement.
- At appropriate times, reassess and again advise the beneficiary of the relevant aspects of the matter.
- In a timely manner, keep the beneficiary informed of the progress of the matter, including advising the beneficiary of the stages through which a

matter progresses and the opportunity a stage might provide to resolve matters.

- Where appropriate and practical, advice should be provided to the beneficiary in writing, except where the beneficiary indicates otherwise. Some circumstances where it will not be practical include:
 - Where there is a risk that sensitive documents could be accessed by unintended recipients;
 - Where there are issues of literacy comprehension, although remembering a beneficiary with such difficulties may be able to find a trusted person to explain such documents;
 - Where a beneficiary's mental health could be an issue;
 - Where in some criminal matters there is not sufficient time to provide advice in writing due to guilty pleas and quick progression through entering the plea and subsequent judgment or sentencing;
 - Where in some family matters there is not sufficient time to provide advice in writing due to the urgent nature of the application, such as urgent protection orders; and
 - Where there is no known address.
- On conclusion of a matter, in a timely manner, provide the beneficiary with a copy of the relevant agreement, order or judgment.
- Not to make public any information regarding a beneficiary's affairs without the beneficiary's specific consent.
- The Legal Aid Scheme shall put in place a functional, practical and user-friendly website which would serve as a database of information and resources to be made available to staff and the public.
- The website will be a source of promoting public awareness of the work of the Legal Aid Scheme.
- The website could also serve as a medium for arranging interviews with potential beneficiaries as well as provide a medium where applications for legal aid can be completed and submitted.
- Further, beneficiaries of legal aid shall be able to access the status of their cases by logging onto the website of the Legal Aid Scheme.

10.2.11 Duties Of Various Stakeholders

The various stakeholders in the given context shall include Legal Services Authorities, Judges, legal practitioners, Law Schools (Head, Faculty and the Students), Law- firms and various non-profitable organizations, viz., non-governmental organizations, community-based organizations and faith-based charitable organizations; professional bodies and associations; law clinics; and paralegals.

Legal Services Authorities

- Legal Services Authorities have to work in coordination with other agencies at different levels to provide free and competent legal service to the weaker sections of the society.
- They should organize Lok Adalats as per the requirements to secure that the operation of the legal system promotes justice on a basis of equal opportunity.
- They should lay down policies and principles for making legal services more accessible in action and frame the most effective and economical schemes for the purpose of making legal services available.
- They have to supervise the establishment and functioning of legal services clinics in universities, law colleges and other institutions engaged in the work of promoting the cause of legal services to the poor. They must facilitate law colleges in their legal aid work by establishing better networking with them.
- They should take appropriate measures for spreading legal literacy and legal awareness amongst the people through legal aid camps, especially in rural areas, slums or labour colonies.
- They should ensure proper utilization and allocation of funds available for legal aid purposes.
- They should provide law students with internship opportunities in order to have first-hand experience and knowledge of the practical pitfalls and loopholes which they as students cannot be well versed with being proficient only in the theoretical knowledge.

Judiciary

The judiciary should focus more on legal aid because it is essential in this present day situation wherein gulf between haves and have-nots is increasing day by day. It can be done by elimination of social and structural discrimination against the poor which can be achieved when free legal aid is used as an important tool in bringing about distributive justice.

- It is the duty of judges to explain the parties about legal assistance which is available for their help.
- Judiciary can guide the legislature to come up with the suitable legislations to bring justice to the doorstep of the weakest sections of the society.
- It can organize legal aid camps, especially in rural areas, slums or labour colonies with the dual purpose of educating the weaker sections of the society as to their rights as well as encouraging the settlement of disputes through Lok Adalats.
- It should monitor and evaluate implementation of the legal aid programmes at periodic intervals and provide for independent evaluation of programmes.
- It should ensure speedy disposal of cases brought from different places under legal aid scheme
- It should encourage public spirited people to seek justice for the poor.

Lawyers

Lawyers have a major role to play in implementation of the legal aid schemes and they cannot do this alone. They rely heavily on research undertaken by the law schools, help provided by the Legal Aid Cells, para-legals and other agencies.

- Legal practitioners who practice before various courts, tribunals and authorities shall provide the legal aid assistance to the needy when they are approached for the same.
- We should have fixed number of cases to be dealt by a particular advocate pro bono whose name should be there in the directory made available in the Legal Aid Cells and the online web portal in order to be accessible by all.

Law Schools-Head, Faculty and Students

Law schools being the recruiting grounds for the legal professionals are expected to play a dynamic role in the administration of Legal Aid Cells. In these law schools study of legal aid has been taken as an important and compulsory subject in its academic curriculum as an adherence to the Bar Council of India guidelines. Undoubtedly, all the law schools are playing some or the other role in enhancing legal aid in India but limited to their regional setup and the resources available.

Role of Head/Dean of the Institutions-

- Head of the Law School being an accountable academic leader has to coordinate the legal aid activities being undertaken by various faculty members and students and he/she has to ensure smooth functioning of the Legal Aid Cell within a law school by way of proper cooperation of all the concerned members and the volunteers.
- It is the duty of the head to ensure the unrestricted flow of funds from one end to another. Because it's quite logical that without funds no organization would work efficiently and effectively.
- The head is duty bound in this regard to supervise and monitor legal aid activities ensuring proper compliance to policy and procedure regarding the working of the Legal Aid Cells in their respective law schools.
- He/she should lay down minimum standards and common guidelines for identifying interested students and training them so that they get fully involved with the ground realities and meeting people, hearing out their problems and suggesting solutions.
- Connecting with other Law Schools and seeking association with Bar Association and Bar Council of India, thereby creating a national network of legal aid centres for making the legal aid program successful as it is difficult for any single institution or organization to work in an isolate and independent manner on such a big project.

Role of the Faculty Members

- The faculty members of a law school can play a better advisory role in the crucial working of the Legal Aid Cells through their innovative and their novel ideas for the improved functioning of legal aid system in a law school.
- Various legal aid activities viz, seminars, workshops, symposiums, legal awareness camps etc. can be pioneered by the faculty members involved in the legal aid services.
- It is the faculty members who act as an active link between the various legal services provided at the grass root level by the volunteers on one hand and the higher authorities concerned with the same on the other hand.
- Being directly in touch with law students they can easily motivate and infuse the idea of providing free legal services to the needy ones. Sensitization of the young generation towards this noble cause can easily be taken care of by the faculty members through their lectures and valuable teachings.
- Mobilising students to widen the outreach of the people with a view to create an enabling environment in which they are able to access legal aid mechanism for enforcement of their rights and to bring the students closer to the real life problems concerning people arising mostly due to disconnect with the law or due to its wilful ignorance.
- Teaching students the art of client counselling which will help them in greater understanding and helping the people who visit the Legal Aid Cells.
- Instilling in the students the skills of ADR.

Role of Law-Students

- It is the duty of the law students involved in the legal aid activities to prima facie carry out preliminary investigation as to the involvement of any legal issue in the matter brought by the beneficiary.
- Maintenance of the information related to cases and information transactions made online in an organized manner is something which should be assigned to the law students.

- Conducting legal research to update various stakeholders concerned with legal aid program.
- To act under the supervision of the legal practitioners accredited to provide legal aid services and help them by preparing reports that help lawyers in their cases, and drafting legal arguments and other documents to be filed in the court.
- Presenting information on legal aid, in the form of legal awareness camps, street plays, campaigns etc. to reach out the people at the grass root level in effective way.

Role of Law firms

- It is highly recommended that the law firms must have an internal setup establishing a dedicated Legal Aid Cell within their working.
- Law firms which are known for working with a group of advocates for providing legal assistance can send lawyers from their group to help various organizations who are dedicated towards this work.

Role of Intermediaries

Intermediaries and community workers can connect people with justiciable legal problems to legal help available through Legal Aid Cells by different ways:

- Identifying legal problems and connecting people with information and resources that can assist them.
- Referring people to specialized Legal Aid Cells.
- Providing assistance to complete legal forms and documentation work.
- Accompanying people to court hearings, informing them correctly about the happenings and entertain their queries pertaining to the procedural aspects.
- Rendering information about legal rights and court procedures.

Government

The Ministry of Law and Justice can give training/internship to students to familiarise with practical aspects of law and its implementation which will in turn enable the students to provide better legal services to the community.

PART-XI

FINDINGS AND

RECOMMENDATIONS

11. Major Findings

The major findings arrived after the analysis of data collected from the research study are follows:

1. Few stakeholders are aware of the existence of the legal aid cell in the law schools and its purpose. There is acute lack of awareness regarding Legal Services Authorities Act, 1987, as well as the provisions of Article 39A and Article 21 of the Constitution.
2. The Legal Aid Cells are mostly situated within the campus or inside premises of the law schools itself. In most of the cases , it is situated in the same law school building which is miles away from the main entrance of the campus. The law schools generally have restrictions for entry and exit of outsiders. This makes the Legal Aid Cells less approachable.
3. There is no visible signboard of the cells in the local language at the entry gates of campus to enable the needy to access the clinics.
4. Majority of the law schools are not advertising the existence/ functions/services of the Legal Aid Cells. The Legal Aid Cells will be successful only by adopting steps to spread awareness as to its existence so that a wider number of people who are eligible for receiving these services can be benefited.
5. All the law schools face uniform problems. Financial limitations and lack of manpower are high up in the list. Majority of the cells have monetary constraints. Financial impediment is seen as a challenge to effective legal aid by a substantial number of lawyers especially in the state of Uttar Pradesh. The Legal aid clinics require in one way or other some financial support to make it functional.
6. The advocates associated with the legal aid primarily supported the inclusion of digital modes of communication with their clients. They found digitalization will be helpful to bridge the gap between the legal aid lawyers and clients.

7. Regarding digitalisation, the litigating parties did not have an idea as to whether digitalisation will actually prove to be beneficial for them or not. This is mainly because of the reason that these litigants mostly are illiterate in terms of technology.
8. 'On campus Legal Aid Cells' are less productive while 'off campus centres' afford greater accessibility to the poor and needy.
9. Lack of workload adjustment and want of any academic credit system for the involvement of faculty/students in the Legal Aid Cells is a crucial reason for faculty disinterest in the legal aid cells.
10. Heavy law school curriculum with legal aid not featuring as a marked evaluation or subject criteria is another challenge.
11. In many law schools the Legal Aid Cells are individual oriented/centric.
12. Neither the Legal Aid Cells nor the law colleges maintain any electronic data of the people approached/services delivered etc.
13. Presently, there is no punitive mechanism such as cancellation of affiliation etc. if a Legal Aid Cell in a law college is not actively involved in the legal aid services.
14. Lack of specific roadmap by BCI relating to legal aid is also seen as a challenge by all States except Himachal Pradesh.
15. Lack of training and capacity development of faculty is considered as a challenge to provide legal aid effectively.
16. Digitalisation as a solution to improve efficiency and cost effectiveness is accepted by majority respondents in all States.
17. Involvement of legal aid lawyers in law reform activity and in providing legal aid for Public Interest Litigations is abysmally low in all States.
18. Involvement of legal aid lawyers in Alternative Dispute Resolution is also very low in Delhi, Punjab and Himachal Pradesh.
19. Most of the law clinics emphasis on facilitating ADR exercises as part of their initiative. 73 percent of Legal Aid Cells surveyed have engaged themselves in ADR related activity. There is no considerable engagement in law reform activity by the legal aid clinics.

20. Several litigants have faced challenges in getting good or honest lawyers through Legal Aid Cells.

11.1 Analysis and Conclusion

The project study on '*Analysis of Functioning of Legal Aid Cells in Various Law Schools /University Departments/Private Universities*' aimed (i) to analyse the functioning of Legal Aid Cells with respect to framework improvement of access to justice; (ii) to look into the impact of digitalisation on this framework mechanism and (iii) to look into the feasibility of a mandatory certification process for law schools by regulatory authority that can help in better access to justice. The project covered four states under its ambit such as Delhi NCR, Uttar Pradesh, Punjab and Himachal Pradesh. For data collection the project team adopted a combination of doctrinal and non-doctrinal methods.

The research study analysed the functioning of the Legal Aid Cells in the selected law schools of the above-mentioned states and also looked into the impact of digitalisation on the framework. Field study was conducted by visiting the legal aid cells in the law schools to get first-hand information about the ground realities, functioning mechanisms used in the Legal Aid Cells, limitations and existing bottlenecks in the system. The project team could thus analyse whether these cells are actually successful in imparting justice to those who fit the eligibility criteria for receiving free legal aid services. From the limitations analysed, the project report suggests the ways to improve the functioning of legal cells more effectively – outlaying an efficacious framework for their development and improvement. For that purpose, as part of this project research, a 'Standard Operating Procedure' (SoP) of law schools and stakeholders is prepared for their better functioning. The visits and surveys also probed into the feasibility of a mandatory certification process of law schools. Regarding digitalisation, although the advocates associated with law schools for the legal aid primarily supported the inclusion of digital modes of communication with their clients, the litigating parties on the other hand, did not express any positive response to this as they are not tech friendly. Thus,

the study not only achieved all the objectives set forth at the commencement of the project but it has also travelled beyond the defined territory (i) to enquire about the feasibility of digitalization, (ii) sending questionnaires and collecting responses from litigants and lawyers and analysis of these responses to know whether the beneficiaries/clients/litigants are satisfied with the legal aid and (ii) to prepare SOP.

Right to legal assistance is a constitutional and fundamental human right. By complying with the international human right instruments advocating for legal assistance such as International Covenant on Civil and Political rights (ICCPR 1968), India also amended its Constitution in the year 1976, by way of 42nd Constitutional Amendment Act to introduce provision for free legal aid. Thus, Article 39A under the Directive Principles of State Policy provides for 'Equal Justice and Free Legal Aid' to the people and mandates that " the State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid by suitable legislation or schemes or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. Hence, the Legal Services Authorities Act, 1987 was enacted under the Constitutional mandate to provide legal aid by constituting legal services authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. This Act provides the structure and functions of the legal aid functionaries. Legal Aid Cells are thus opened in law schools as a legislative requirement to fulfill and materialize the constitutional mandate of access to justice to the downtrodden and the poor. Against this backdrop the present study was undertaken to closely examine the actual functioning of the legal aid cells.

For this, the present report begins with a brief history of the development of legal aid along with a brief explanation about the international

and national legal framework for comparative purposes, followed by its judicial expansion, to understanding the development of free legal aid in India. After discussing the project background, the report discusses the lacunae in the entire system which includes practical problems and the ground realities of the present legal aid mechanisms as the system of imparting justice to the downtrodden. The analysis of Part II shows how 'Access to Justice' is a problem which not only plagues the legal community of our nation, but is a concern at the international level as well. There are various conventions dealing with this problem and providing legal aid to the needy individuals is the essence of these conventions. While the conventions appraise of the theoretical aspects, *i.e.*, how legal aid is meant to be, but its effectiveness can only be gauged by looking into how it is put into practice.

The next part of the study is about probing into the role of digitalization in legal aid. This section of the research goes onto study the relevance of the use of digital communication in bridging the gap between the stakeholders and finally describes the structure of digitalization in the present legal aid mechanism. Part IV of the study is primarily based on the field study conducted under the research project. It outlines the ground realities of legal aid in selected law schools of Delhi, Punjab, Uttar Pradesh and Himachal Pradesh respectively. This part individually focuses on the structure of legal aid in all the four states separately, followed by the perspectives of all the stakeholders that are: lawyers, law schools and litigating parties involved. Thus, the main point focused in this chapter would be the current situation of the Legal Aid Cells in all the four States.

Part V of the project made a comparative analysis of the situation of legal aid in all the four states by way through of the responses of the stakeholders of the respective states. The Cells are not very formalized. Legal Aid Cells or legal aid clinics in the law schools are not directly supervised nor formally incorporated into the curriculum. They are mostly voluntary student run organizations, they may be supervised by faculty member, who have many other responsibilities also. Law schools conduct certain classes focused on

practical training but it is difficult for instructors to provide sufficient supervision to the students undertaking legal aid work. Part VI of the study sums up the report by discussing the major findings of the study, thereafter outlining the conclusion of the research by way of analyzing the findings of all the four states shortlisted for the project with the suggestions for improvement in their situation. Hence, it tries to find a better way forward for the legal aid mechanism in the whole of India and concludes by discussing further scope of research undertaken. The project also compares the legal aid systems in India with the systems in various other countries and finally, it suggests how the Indian system could be improved. Part VIII of the study analyses the best practices of the field.

In the beginning, the focus was on collective enforcement of social, economic and cultural rights, and not individual legal action but over the years, legal aid has come a long way and its concept has evolved. As a result, its ambit has also widened and now it covers a variety of services including representation by an advocate, preparation of pleadings, drafting of legal documents, advisory, obtaining certified copies of orders, payment of all court fees, etc.

For the legal aid to retain its significance, the combined efforts of all the contributors are necessary. Otherwise, it will be as good as a dead letter, while the State is involved in funding and formation of the scheme; it is the task of the legal professionals to shoulder the responsibility of implementation of the schemes and the appropriate utilization of the funds.

Looking at the national legal framework including both constitutional and statutory framework, it becomes clear that the State is under an obligation and mandate to provide free legal aid to its citizens, irrespective of their economic and social status, who is unable to secure legal services on account of indigence, and whatever is necessary for this purpose has to be done by the State. Since the aim of the constitution is to provide justice to all and the Directive Principles are in its integral part of the Constitution, the Constitution dictates that judiciary has duty to protect rights of the poor as also society as

a whole. All these provisions including the development of new aspects by the judiciary has helped to expand the scope of legal aid in India.

Instead of changing the entire structure of the Indian legal aid system, it is required that gaps which have been created in the existing system should be bridged with the help of various effective measures which act as key ingredients to a successful legal aid system in India. Successful legal aid programme in India requires the stakeholders to embark on a mechanism to inform and educate the public of its right to free legal aid. Further, the government must employ more effective processes to improve legal aid delivery system in the country.

This report while dealing with digitalization in legal aid very clearly highlights the importance of digitalization in the legal field. Considering the various advantages which this digital platform offers like speed, accuracy and non-degradation of data during transmission, further its processing, storage and transmission etc. the idea of digitalization in the legal field is strongly advocated in this report. Since the legal system, by its very nature, is labour-intensive and the legal process time-consuming and lengthy, it is quite obvious that application of technology will make a lot of difference especially with regard to the safe preservation and timely retrieval of the relevant data. The discussion on the global trends with respect to the digitalization in the legal field highlights the tremendous benefits which the employment of technology has done to this field. Availability and accessibility of large amount of legal data not only to legal practitioners, researchers, and law students but also to litigant parties owing to digitalization is a commendable step easing out the complexity of this legal field to a great extent. Apart from the easy and hurdle free availability of legal data, the digitalization in the legal aid services is an excellent way of informing the litigant parties (especially the litigants from the economically weaker section of the society) as to the legal practitioners who are rendering legal services *pro-bono*.

The detailed discussion on the government's effort in this regard highlights the praiseworthy and applaudable steps taken by it in order to further the digitalization in the legal aid which consequently has undoubtedly eased

the various tedious legal tasks and the matters connected therewith. For example, the 'Tele Law Portal', which seeks to facilitate the delivery of legal advice, by connecting lawyers having subject matter expertise with clients from marginalized social sector through video conferencing at various special centres set up by the Legal Services Authorities. Further, the Supreme Court led the digitalization of one crore five lakh pages and records of civil appeals from pre-independence era till the year 2002 is a commendable step with regard to the matter at hand. The Integrated Case Management System (ICMS), the National Judicial Data Grid, the E-Courts project etc are other examples highlighting the advent and consequential benefits of digitalization to this legal field and specially the arena of legal aid. It is noteworthy that the Nyaya Mitra program which was launched in 2017 to collaborate with the e-courts could render admirable assistance in resolution of cases that have been pending for more than ten years thereby reducing pendency of litigation in courts.

Considering that there is every year increase in the internet users and the ubiquitous presence of internet, it is important as well as the demand of this digital age we are heading towards more use of technology in almost every field like communication, banking, education etc. and legal field is no exception to it.

The analysis conducted in the next part reveals that responses of the lawyers on the questionnaire. 74 lawyers from Delhi, 72 from Uttar Pradesh, 40 from Punjab and 28 from Himachal Pradesh responded to the questionnaire. Their responses show that the legal aid clinics are functional in their respective states. More than 98.5 percent of the respondents interviewed in Delhi, 91 percent in Uttar Pradesh, 96 percent in Himachal Pradesh and complete 100 percent respondents in Punjab are satisfied that the legal aid clinics are efficient in catering to genuine needs of litigants. 91 percent of the lawyers in Delhi, 90 percent Uttar Pradesh and Punjab and 71 percent of the lawyers in Himachal Pradesh claim to maintain records of legal aid services provided by them (though this records is no cross verified for project purpose). These lawyers also involve in ADR for legal aid. The lawyers are not very active with respect to law reform activities (22 percent of the respondents in Delhi, 33 percent of

respondents in Uttar Pradesh, 7 percent of the respondents in Punjab and none of the respondents in Himachal Pradesh are involved in law reform activity).

11.2 Suggestions

1. There is a need to advertise about the concept of legal aid through newspapers and awareness camp.
2. Since, the concept of Lok Adalats was also unknown to many litigants in Uttar Pradesh there is a need to include content relating to Lok Adalats and their advantages in legal literacy/awareness camps and also increase publicity for the same through newspapers and radio broadcasts.
3. There is a need to improve awareness regarding the eligibility criteria for free legal aid, especially in Uttar Pradesh.
4. The quality of information disseminated regarding legal aid through legal awareness camps need to be improved, especially in Uttar Pradesh and as such model information pamphlets regarding legal aid should be prepared and circulated through the print, digital and social media.
5. To reduce the disconnect between the legal aid clinics and the people who really need it, there must be outreach centres. Some successful clinics, as in the case of V M Salgaocar Law College, Panaji, Goa, have all the clinics outside the college, by coordinating with local institutions such as municipalities, churches and temples. Hence it is suggested that to encourage the law colleges to open clinics outside the campus where people generally come for social services or to worship. Panchayats, Anganwadis, Government hospitals at taluka level etc. will be a suitable place to attract the people who really require legal assistance.
6. In such clinics, there can be specified dates and times (minimum once in a week for 4 hours duration) wherein people can turn in. This does not require any additional infrastructure. The existing facilities of the institution can be extended for facilitating the stakeholders' meeting. However, it is important to advertise specialised area of law in which the clinic provides legal advice and resources should focus on that.

7. The faculty participation in the in the Legal Aid Cell must be made mandatory. This can be made by BCI notification. Alternatively, the universities and colleges can make it mandatory by adding this as a clause in the appointment orders of law teachers. This must be a clause for successful completion of probation.
8. The participation of students in legal aid cells must be made compulsory for students of 2nd and 3rd year (5 yr LLB) and 2nd years (3 yr LLB). During other semesters, they can volunteer to participate and contribute.
9. Both for teachers and students there must be academic credits for their involvement in the legal aid cells and related activities.
10. Instead of having a single general cell which will handle myriad legal issues, the law schools can develop different specialised cells having regard to the demand and requirements of the given locality, for example, Child and Women cell, Cell on Domestic Violence, Labour Law Cell, VAT Cell, Cyber Law Cell, Marine Laws, Sports Laws etc. etc. This will certainly differ for different societies and localities. Different faculties will be in charge of different Cells according to their interest and expertise/specialization.
11. To make the cells more functional and active, the law colleges must be required to maintain electronic data of their services through legal aid cells.
12. Presently, law schools are being inspected by BCI every five years. To continue the affiliation, the requisite number of legal aid services proved on evidence must be a pre-condition. This mandatory certification process will make the legal aid cells really functional since it will be sine qua non for existence and survival of the law schools themselves.
13. Head of the Law School should lay down minimum standards and common guidelines for identifying interested students and training them so that they get fully involved with the ground realities and meeting people, hearing out their problems and solving them. This will be an unparalleled practical exposure to the students which will also instill in them a social obligation to serve the society.
14. Involvement in client counseling will help the students in greater understanding and develop interest and readiness in helping the poor

people who visit the legal aid clinics.

15. The legal aid cells must have an ongoing dialogue with the communities they serve. It should address the actual needs of the people.
16. The faculty should give training to the student volunteers and the students must function under the supervision of the faculty and pro bono lawyers.
17. Every legal aid clinic must devise strategies for financial sustainability.
18. Legal service authority should be more robust. It is seen that usually young lawyers who are unemployed or underemployed engage in pro bono works; once they establish connections in the profession they slowly stop pro bono. To overcome this, a requisite number of pro bono matters (to say 3 or 4) must be compulsory for every lawyers irrespective of their seniority. This must be seen while nominating, recruiting, appointing, elevating them into various positions. Bar Council must be invested with the authority to suspend the practice licence of lawyers who do not do the pro bono matters.
19. There is a need to promote the use of digital communication by legal aid lawyers to communicate with target groups in all states, the maintenance of records by legal aid lawyers also needs to be encouraged. (more than 95 percent of the lawyers interviewed in Delhi and Himachal Pradesh, 82 percent of the lawyers interviewed in Uttar Pradesh and 58 percent of the lawyers interviewed in Punjab agree that digitalisation is a solution to increase efficiency of Legal Aid Cells.)
20. Efforts need to be made to encourage expanding the scope of services provided by legal aid lawyers through training programs for lawyers encouraging their involvement in law reform activities, PIL etc.
21. Since young lawyers face financial impediments efforts to address the same can be made by ensuring adequate availability of funds with the legal aid clinics through a centralized system.
22. Guidelines should be issued by BCI specifying mode and manner of involvement of law schools in legal aid programs.
23. Legal Aid should be allowed to be undertaken against optional course credits in LL.B. and LL.M. courses.

24. Efforts to digitize Legal Aid Cells must be undertaken immediately by conducting training programs for stakeholders and creating the necessary software through a centralized system.
25. A Pan India Project of linking legal authorities and Legal Aid Cells and creation of a coordinated legal aid program would be effective and efforts need to be undertaken for the same including by creating the necessary software.
26. The central government should also consider making Legal Aid Cell mandatory under Advocates Act, 1961. Training from para-volunteers to paralegal along with ethical guidelines and training should also be undertaken. A centralised training program can be designed for this purpose.
27. Since a significant number of litigants have faced challenges in getting good or honest lawyers, an internal complaint mechanism must be put in place to address cases where the legal aid lawyers are misusing their position.
28. Law schools, Bar, Judiciary and Government need to have an online facility for legal assistance.
29. Adoption of nearby villages for all kinds of legal assistance required in the area. Community radio programmes can be run by universities with the access to such labs for nearby areas.
30. Legal awareness can be given to gram panchayats (the smallest unit of local government) through short film, posters, and wall paintings.
31. Government should be obligated to make public officials aware of the crucial role that legal aid plays in both ensuring access to justice and achieving desirable societal goals, and to educate and train them in procedures necessary to ensure that the right to legal aid is provided at all stages of criminal, civil and administrative proceedings.
32. Government should establish cooperative arrangements with a wide range of stakeholders, such as non-governmental organisations, community-based organisations, religious and non-religious charitable organisations, professional bodies and associations and academic institutions which will in turn ensure effective public participation in the formulation of legal aid

policies, programs and legislation.

33. All states should devise a mechanism for providing legal awareness at the school level. This will ensure that the next generation is aware, sensitised, respectful of the rule of law, and become harbingers of change.
34. It is desirable that the Ministry of Law and Justice gives training/internship to students to familiarise with practical aspects of law and its implementation which will in turn enable the students to provide better legal services to the community.
35. Like Corporate Social Responsibility (CSR), a concept like Lawyers Social Responsibility (LSR) must be developed to make it mandatory for lawyers to contribute their time, money and services to legal aid programmes by associating themselves with any of the law schools.

11.3 Outcome of the Project

As an outcome of the Project, a Standard Operating Procedure (SoP) of law schools and stakeholders is prepared after having consultation with Experts, Principals, Deans, Directors, faculty coordinators, student volunteers etc. of Legal Aid Cells in law schools which deliver comparatively successful service. This SOP is prepared keeping in mind the differences existing between private and government law schools and national law schools.

11.4 Scope for further Research

The project study had its own limitation pertaining to the area of study, number of responses received, time constraints etc. Regarding the area, since the study was limited to the North Indian States of Delhi NCR, Punjab, Himachal Pradesh and Uttar Pradesh, the findings of the Project States cannot be generalised; a future research needs to be conducted in other parts of the country due to heterogeneity and demographic differences.

The present study focused only 'on campus' legal aid cells, functioning in law schools, university departments and private universities. There can be a

future research as to the legal aid functioning of the centres situated in the rural villages by way of the Panchayats.

As to the responses to the questionnaire, many lawyers were unwilling in the present study to fill up their responses due to the detailed size of the questionnaires. More participation might have influenced the findings and analysis. Moreover, most of the litigating parties were illiterate or could not understand the English language, which was another barrier in the present study. A questionnaire prepared in local language and larger participation of the lawyers associated with legal aid clinics will give more accurate results. The present study thus gives enough openings for future research.

PART-XII

BIBLIOGRAPHY

PRIMARY SOURCES

A) INDIAN STATUTES:

The Constitution of India
 The Legal Services Authorities Act, 1987
 The Code of Criminal Procedure, 1973
 The Code of Civil Procedure, 1908

B) FOREIGN STATUTES:

Poland- Free Legal Aid and Education Act, 2015 (hereinafter FLAEA)
 Charter of Fundamental Rights, European Union (2000)
 Canada- Legal Aid Services Act, 1998
 United Kingdom: Legal Aid Act, 1988
 Statute for the Establishment of Legal Aid Fund for the African Union Human Rights
 Organs (adopted on January 30, 2016).
 Nepal Legal Aid Act, 2054 (1997)

C) INTERNATIONAL CONVENTIONS

European Convention on Human Rights, 1950
 International Convention on Civil and Political Rights, 1966

SECONDARY SOURCES

A) BOOKS

1. Adrian Evans, Anna Cody & *et al.*, *Designing and Operating a Best Practice Clinical Program in an Australian Law School*, published by Australian National University Press, edition 2017.
2. Roy Stuckey, “Best Practices for Legal Education: A Vision and a Roadmap”, Foreword by Robert Mac Crate, published in the United States by the Clinical Legal Education Association, 2007.

3. Claire A. Smearman, *Pro Bono Resource Center of Maryland*, edited by Sharon E. Goldsmith, Pro Bono Resource Center of Maryland, 2011.
4. Kim Schroer & Alexa Shabecoff, *Legal Services Guide: A Guide to Pursuing Work in Legal Services/ Legal Aid*, Harvard Law School, 2013.
5. Legal vice presidency world book: *Legal services for the poor best practices Handbook*, N.W. Washington, DC 20433, USA, 2003.
6. Leon Thomas David, *The Value of Legal Aid Work to Law Schools*, *The Annals of the American Academy of Political and Social Science*, Vol. 205, Frontiers of Legal Aid Work (September, 1939), pp. 121-128, published by Sage Publications Inc. in association with the American Academy of Political and Social Science.
7. Adrian Evans, Anna Cody, et al., *Australian Clinical Legal Education*, Book Subtitle: *Designing and operating a best practice clinical program in an Australian Law school*, published by ANU Press (2017).
8. Sarah Moore & Alex Newbury, *Legal Aid in Crisis: Assessing the impact of reform*, published by Policy Press, University of Bristol, 2017.
9. Jamshed Ansari, *Access to Justice: Reforming Administration of Justice in India*, published by LAP LAMBERT Academic Publishing, 2012.
10. Asher Flynn & Jacqueline Hodgson, *Access to Justice and Legal Aid: Comparative Perspectives of Unmet Legal Need*, published by Hart Publishing, North America (US & Canada), 2017.

B) ARTICLES & JOURNALS

1. Quintin Johnstone, "Law School Legal Aid Clinics", 3 (4) *Journal of Legal Education* (Summer, 1951), pp. 535-554, published by Association of American Law Schools, page count: 20, available at JSTOR.
2. Andrew Higgins, "Legal Aid and Access to Justice in England and India, 26 NLSI Rev. 13, *National Law School Of India Review*, 2014.

4. Roopali Mohan, "Importance of Legal Aid Clinics in Law Schools", *Legal Desire* (2015).
5. Jane H. Aiken & Stephen Wizner, "Teaching And Doing: The Role Of Law School Clinics In Enhancing Access To Justice", 73 *Fordham L. Rev.* 997-1011 (2004).
6. **Siddharth Peter De Souza & Varsha Aithala**, "Can Technology Finally Deliver On India's Legal Aid Promise?", *Stanford Social Innovation Review* (2018).
7. Pamela N. Phan & Dev., "Clinical Legal Education in China: in Pursuit of a Culture of Law and a Mission of Social Justice", *L.J.* 117 (2005).
8. Colleen F. Shanahan, Jeffrey Selbin Berkeley, *et al.*, "Measuring Law School Clinics", Vol. 92, No. 3 *Tul. L. Rev.* 547 (2018), Berkeley Law Scholarship Repository.
9. Liz Curran & Andrew Crockett, "Measuring the Impact, Quality and Effectiveness of Legal Assistance Services in a Climate of Reduced Funding and Increased Government Expectations: The Australian Experience", 22(3) *European Journal on Current Legal Issues* (2018).
10. D.W. Tushaus, "India Legal Aid Clinics: Creating Service Learning Research Projects to Study Social Justice", 2 *AJLE* 101 (2015).
11. Oluyemisi Bamgbose, "Access to Justice through Clinical Legal Education: A Way Forward for Good Governance and Development", 15 N. *African Human Rights Law Journal* (2014).
12. Orla Drummond & Gráinne McKeever, "Access to Justice through University Law Clinics", Ulster University (Oct 2015).
13. Bethany Ruby Henderson, "Asking The Lost Question: What is the purpose of Law School?", 53 *Journal of Legal Education* (2003).
14. Benjamin L. Liebman, "Legal Aid and Public Interest Law in China", *International Law Journal*, 211 (1999).
15. Harry W. Arthurs & Robert Kreklewich, "Law, Legal Institutions and the Legal Profession in the New Economy", 34 *Osgoode Hall L. J.* 1 (1996).
16. Joseph R. Thome, "New Models For Legal Services in India", 6 *Human Rights Quarterly* 521, (1984).
17. Jeane Charn, "Legal Services For All: Is The Profession Ready?", 42 *Loy. L. A. L. Rev.* 1021 (2008-2009).

18. Brian Glick & Mathew J. Rossman, "Neighborhood Legal Services As House Counsel To Community-Based Efforts To Achieve Economic Justice: The East Brooklyn Experience", 23 *N. Y. U. Rev. L. & Soc. Change* 105 (1997).
19. H. W. Arthurs, "The Future of Law School: Three Visions and A Prediction", 51 *Alta. L. Rev.* 705 (2013-2014).
20. Mrs. Archana K., "Practicability of Clinical Legal Education in India- An Overview", *Journal of Education and Practice*, ISSN 2222-1735 (Paper) ISSN 2222-288X (Online), Vol.4, No.26, 2013.
21. Richard J. Wilson, "Three Law School Clinics in Chile, 1970-2000: Innovation, Resistance and Conformity in the Global South", 8 *Clinical L. Rev.* 515 (2001-2002).
22. John S. Bradway, "Some Distinctive Features of A Legal Aid Clinic Course", published by *The University Of Chicago Law Review*, **Coverage:** 1933-2018 (Vol. 1, No. 1 - Vol. 85, No. 8), pp. 469-479.
23. Jerome Frank, "Why Not A Clinical Lawyer-School?", published by *University of Pennsylvania Law Review and American Law Register*, **Coverage:** 1908-1944 (Vol. 56, No. 1 - Vol. 93, No. 2).
24. Vera Chouinard, "Transformations in The Capitalist State: The Development of Legal Aid And Legal Clinics in Canada", published by *Transactions of The Institute of British Geographers*, 1965-2012 (No. 36 - Vol. 37, No. 4), 1965-2012 (No. 36 - Vol. 37, No. 4), Subjects: Geography, Social Sciences, Collections: Arts & Sciences II Collection, JSTOR Essential Collection.
25. Robert G. Storey, "Law School Legal Aid Clinics—Foreword", 3 *J. Legal Educ.* 533 (1950-1951).
26. John S. Bradway, "Case Presentation and the Legal Aid Clinic", 1 *J. Legal Educ.* 280 (1948-1949).
27. John S. Bradway, "The Legal Aid Clinic as an Educational Device", 7 *Am. L. Sch. Rev.* 1153 (1930-1934).
28. Frank S. Bloch & Iqbal S. Ishar, "Legal Aid, Public Service and Clinical Legal Education: Future Directions from India and the United States", 12 *Mich. J. Int'l L.* 92 (1990-1991).

29. KK Pant, “Legal Aid Clinics Scheme for Rural India”, India CSR Network (2011).
30. Kimberly A. Thomas & Nisreen Mahasneh, “Learning From the Unique and Common Challenges: Clinical Legal Education In Jordan”, University of Michigan Law School Scholarship Repository (2012) 1- 38.
31. Jane Schukoske & Roopali Adlakha, “Enhancing Good Governance in India: Law Schools and Community-University Engagement”, Sehgal Foundation (2012).
32. Mishika, “How Effective Is Legal Aid Service in India”, iPleaders Intelligent Legal Solutions (2017).
33. Nigel B. Gayle, “What Ensures Effective State-Funded Legal Aid System?”, A Guide For The Reform of The Current State-Funded Legal Aid System in Jamaica (July 2013).
34. Shireesh Sahai, “Digitization of the Indian Legal Sector”, Bar & Bench (July 2018).
35. Riikka Koulu, Lila Kallio, Jenni Hakkarainen, “Law & Digitization: An Agenda for the Future”, University of Helsinki Legal Tech Lab (May 2017).
36. Avani Bansal, “Clinical Legal Education- Part III, The Harvard Law School Clinic Model”, Live Law, July 27, 2017.
37. Avani Bansal, “Clinical Legal Education- Part II, Models of Clinical Legal Education in India”, Live Law, July 15, 2017.
38. Lin Jing, “How Effective is Legal Aid Service in China”, pp. 187-204, published online on May 30, 2017.
39. Kudrat, “Legal Aid and Legal Schools”, Academike: Articles on Legal Issues, dated April 4, 2015.
40. Hilary Sommerland, “Some Reflections on the Relationship between Citizenship, Access to Justice, and the Reform of Legal Aid”, 31 (3) *Journal of Law and Society* (September, 2004), pp. 345-368, published by Wiley on behalf of Cardiff University.
41. Richard Owen, “Policy and Education Developments”, 47 (3) *The Law Teacher*, 2013, 421-429, Routledge.
42. Jill Anderson and Gordon Renouf, “Legal Services for the Public Good”, National Pro Bono Resource Centre, 2003.
43. Laura Goodwin & Vivek Maru, “What Do We Know about Legal Empowerment? Mapping the Evidence”, *Hague J Rule Law*, Feb 2017.

44. Auke Willems, “The United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems: A Step toward Global Assurance of Legal Aid” 17 (2) *New Criminal Law Review* (An International and Interdisciplinary Journal), Spring 2014, pp. 184-219, published by University of California Press.
45. Nina W. Tarr, “Ethics, Internal Law School Clinics, and Training the Next Generation of Poverty Lawyers”, 35 *Wm. Mitchell L. Rev.* 1011 (2009).
46. J.P. Sandy Ogilvy, “Guidelines for the Self Evaluation of Legal Education Clinics and Clinical Programs”, 15 *The Thomas R. Cooley Journal of Practical and Clinical Law* 1 (2014).
47. Alexander Zahar, “Legal Aid, Self-Representation, and the Crisis at the Hague Tribunal”, *Criminal Law Forum*, pp. 241–263, Springer 2008.
48. Martha F. Davis, “Institutionalizing Legal Innovation: The (Re)Emergence of the Law Lab”, 65 (1) *Journal of Legal Education*, (August 2015), pp. 190-206, published by Association of American Law Schools.
49. Frank S. Bloch and M. R. K. Prasad, “Institutionalizing a Social Justice Mission for Clinical Legal Education: Cross-National Currents from India and the United States”, Oct 2016.

C) REPORTS

1. Global Study on Legal Aid, Global Report of November 14, 2016, UNDP.
2. Future trends for Legal Services, Global Research Study, Deloitte, 2016.
3. Albert Currie, “Riding the Third Wave: Rethinking Criminal Legal Aid within an Access to Justice Framework”, Research and Statistics Division, Department of Justice Canada (2015).
4. Dr Asher Flynn & Professor Arie Freiberg, et al., “Access to Justice: A Comparative Analysis of Cuts to Legal Aid”, Report of the Monash Warwick Legal Aid Workshop, July 2014.
5. National Action Plan Legal Aid 2017- 2022, Kenya- Towards Access to Justice For All, Office of the Attorney General and Department of Justice, Republic of Kenya.

6. Access to Justice and Legal Aid in East Africa: A comparison of the legal aid schemes used in the region and the level of cooperation and coordination between the various actors, April 2016.
7. A comparison of the legal aid schemes used in the region and the level of cooperation and coordination between the various actors, Danish Institute for Human Rights, Access to Justice and Legal Aid in East Africa, 2011.
8. Integrated Annual Report 2016- 2017: Making Access to Justice a Reality, Legal Aid South Africa.
9. Ken Smith, Kelly Thayer, et al., An Analysis of Best Practices Applied by Pennsylvania Legal Aid Programs in Delivering Telephone-Based Legal Assistance, Report Prepared for the Pennsylvania IOLTA Board, July 2012.

SCC REPORTS

1. DAKSH- Approaches to Justice in India, 2017, Shruthi Naik, Editors: Shruti Vidyasagar, Harish Narasappa, Ramva Sridhar Tirumalai (Relevant Chapter from the Report: Manpower Malady- Managing Legal Aid Institutions).
2. DAKSH- State of the Indian Judiciary, 2016, Editors: Harish Narasappa, Shruti Vidyasagar (Relevant Chapter: Access to Justice Survey Introduction, Methodology and Finding).

SURVEY REPORTS

1. A Study of Law School Based Legal Clinics in India, July 2011, UNDP India.
2. Convenor's Report of The Activities of The Year 2010-2011, Legal Aid Society, NUJS.
3. Access to Legal Aid in Criminal Justice Systems in Africa, Survey Report, United Nations (2011), (Publishing Production: English, Publishing and Library Section), United Nations Office at Vienna.

D) INTERNATIONAL CONFERENCES

1. Combining Learning and Legal Aid: Clinics in Africa, Report on the First All-Africa Colloquium on Clinical Legal Education, 23-28 June 2003, organized by The Association of University Legal Aid Institutions of South Africa, The Open Society Justice Initiative, The University of Natal.
2. Digitalization of The Indian Legal System (Legaldesk.Com in collaboration with Ispirt) 2016.
3. The Future of Legal Services, The Law Society of England and Wales, 2016.
4. Revisiting Legal education for Human Development: Best Practices in South Asia, International Relations Conference on India and Development Partnerships in Asia and Africa: Towards a New Paradigm (IRC-2013).
5. The Kyiv Declaration on the Right to Legal Aid, Conference on the Protection and Promotion of Human Rights through Provision of Legal Services Best Practices from Africa, Asia and Eastern Europe Kyiv, Ukraine 27-30 March 2007.

E) REPORTS OF COMMISSIONS AND COMMITTEES

Law Commission of India, 221st Report on Need for Speedy Justice- Some Suggestions (April, 2009), by Dr. Justice A. R. Lakshamanan, Chairman Law Commission of India (Former Judge, Supreme Court of India).

Committee on Reforms of Criminal Justice System, Volume 1, by Dr. Justice V. S. Malimath, Chairman (Government of India, Ministry of Home Affairs March 2003).

Law Commission of India, Report No. 222 on Need for Justice Dispensation through ADR etc., Dr. Justice A. R. Lakshamanan, Chairman, Law Commission of India (April 2009).

F) INTERNATIONAL WORKSHOPS

Widening Access to Justice: Quality of Legal Aid and New UN Principles and Guidelines on Access to Legal Aid Chisinau, Republic of Moldova, 2013.

Workshop Report on Validation of Needs Assessment Study of Legal Services Authorities, organized by Department of Justice, Ministry of Law & Justice, Government of India and United Nations Development Programme (UNDP), October 31, 2012.

WIBLIOGRAPHY

<<http://indiacsr.in/legal-aid-clinics-scheme-for-rural-india/>>

< <https://repository.law.umich.edu/articles/753/>>

< <http://www.smsfoundation.org/wp-content/uploads/2014/12/SSRN-id2184147.pdf>>

<<https://blog.ipleaders.in/legal-aid-services/>>

<[https://www.luc.edu/media/lucedu/prolaw/documents/GAYLE%20LEGAL%20AID%20\(1\).pdf](https://www.luc.edu/media/lucedu/prolaw/documents/GAYLE%20LEGAL%20AID%20(1).pdf)>

< <https://www.helsinki.fi/sites/default/files/atoms/files/ltl-report3.2.pdf>>

<<https://www.livelaw.in/clinical-legal-education-part-iii-harvard-law-school-clinic-model/>>

<<https://www.tandfonline.com/doi/full/10.1080/20517483.2017.1330820>>

< <https://www.lawctopus.com/academike/legal-aid-and-legal-schools/>>

<https://www.jstor.org/stable/42890509?seq=1#metadata_info_tab_contents>

< <https://legaldesire.com/importance-of-legal-aid-clinics-in-law-schools/>>

<<https://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1296&context=facb>>

<https://ssir.org/articles/entry/can_technology_finally_deliver_on_indias_legal_aid_promise>

<<https://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=3977&context=facpus>>

<<http://webjcli.org/article/view/468/685>>

< <http://www.saflii.org/za/journals/AHRLJ/2015/19.pdf>>

<https://www.ulster.ac.uk/__data/assets/pdf_file/0003/132654/Access-to-Justice-through-Uni-Law-Clinics-November-2015.pdf>

<https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=8615&context=penn_law_review>

<https://www.researchgate.net/publication/275856690_Transformations_in_the_Capitalist_State_The_Development_of_Legal_Aid_and_Legal_Clinics_in_Canada>

<http://www.in.undp.org/content/dam/india/docs/a_study_of_law_school_based_legal_services_clinics.pdf>

< <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1639&context=mjil>>

<https://www.unodc.org/documents/justiceandprisonreform/LegalAid/Global_Study_on_Legal_Aid_-_FINAL.pdf>

<<https://www2.deloitte.com/content/dam/Deloitte/global/Documents/Legal/dttl-legal-future-trends-for-legal-services.pdf>>

<www.scconline.in>

< <http://www.nujs.edu/downloads/legal-aid-activities-for-2010-11-conveners-report.pdf>>

<http://www.in.undp.org/content/india/en/home/library/democratic_governance/a_study_of_law_schoolbasedlegalservicesclinics.html>

<https://www.unodc.org/pdf/criminal_justice/Survey_Report_on_Access_to_Legal_Aid_in_Africa.pdf>

<https://www.unodc.org/pdf/criminal_justice/Survey_Report_on_Access_to_Legal_Aid_in_Africa.pdf>

<<https://cis-india.org/internet-governance/blog/conference-on-the-digitalization-of-the-indian-legal-system>>

<<http://lawcommissionofindia.nic.in/reports/report221.pdf>>

< https://mha.gov.in/sites/default/files/criminal_justice_system.pdf>

< <https://indiankanoon.org/doc/93239358/>>

< <https://home.heinonline.org/>>

< <https://www.manupatrafast.com/ipAccess.aspx>>

ANNEXURES

ANNEXURE-A Questionnaire for law schools

ANNEXURE-B Questionnaire for lawyers

ANNEXURE-C Questionnaire for litigants

ANNEXURES

ANNEXURE-A Questionnaire for law schools

ANNEXURE-B Questionnaire for lawyers

ANNEXURE-C Questionnaire for litigants

University School of Law and Legal Studies
Guru Gobind Singh Indraprastha University
Sector 16C, Dwarka, Delhi 110078

**ANALYSIS OF FUNCTIONING OF LEGAL AID CELLS IN VARIOUS
LAW SCHOOLS AND IMPACT OF DIGITISATION OF LEGAL AID
ON ACCESS TO JUSTICE**

Questionnaire for in-depth study of "FUNCTIONING OF LEGAL AID CELLS IN
VARIOUS LAW SCHOOLS AND IMPACT OF DIGITISATION OF LEGAL AID ON
ACCESS TO JUSTICE"

Note:- Please fill correct answers to all questions in the questionnaire.

1. Institutional Contact Information:

- (a) Name:
- (b) Postal Address:
- (c) Landmark:
- (d) Telephone No:
- (e) Mobile No:
- (f) Fax No:
- (g) Email:
- (h) Website

2. Recognition and Affiliation:

- (a) Year of establishment:
- (b) Type of management of the institution at the time of establishment (Central University, State University, NLU, Government Aided, Deemed, Private Unaided):
- (c) Whether there was a subsequent change in the nature of management?

(d) If yes, in which year?

(e) Present Type of Management of the Institution:

3. Courses offered:

(a) LL.B (5 years)

(b) If yes, Which course and specialization?

(c) LL.B (3 years)

(d) LLM (2 years or 1 year) specialization offered?

(e) M. Phil

(f) Ph.D.

4. Student Strength year wise:

5. LL.B (5 years)

1 st year	II nd year	IIIrd year	IVth Year	Vth Year

6. LL.B (3 years)

1 st year	II nd year	IIIrd year

7. LLM

1 st year	II nd year

8. M. Phil

9. Ph.D.

undergoing Coursework	Completed coursework

10. Details of Legal Aid Cell

- (a) Whether you have a functioning Legal Aid Clinic?
- (b) Whether you have a separate room/place for Legal Aid Clinic?
- (c) Is it in the Institution premises?
- (d) If not, please provide the details:

- (e) Whether you have a faculty in-charge for Legal Aid Clinic?
- (f) If yes, how many faculty?
- (g) Whether the Legal Aid Clinic Faculty in-charge is entitled for workload credit?
- (h) If yes, what is the credit per week?

- (i) Whether you have student coordinators for Legal Aid Clinic?
- (j) If yes, how many?
- (k) Whether your student coordinator for Legal Aid Clinic is appointed after a selection process?
- (l) If yes, explain the procedure:

- (m) Year of establishment of Legal Aid Clinic?
- (n) Timing of the Clinic?

11. Contact details of faculty concerned (Please fill up this question only if your answer to question 10(e) is YES)

- (a) Name

- (b) Designation
- (c) Years of teaching experience
- (d) Time/ Period since in-charge?
- (e) Mobile number
- (f) Email

12. Is it compulsory for the students to associate with the activities of Legal Aid Clinic?

13. If yes, how did you make it compulsory?

14. Do the students get any grace mark/internal mark/academic credit for their involvement in the Legal Aid Clinic?

15. What is the mode of advertisement of your activities?

16. Is your college advertising legal aid activity in any newspaper, if yes, mention the same?

17. What are the core activities of your Legal Aid Clinic?

18. Who are the main target group/village of your Legal Aid Clinic?

19. Does your Legal Aid Clinic cater to the genuine needs of target group?

20. Please specify one most remarkable achievement of your Legal Aid Clinic in the past six months.

21. Have you adopted any specific village/group for the legal aid activity:
22. If yes-
- (a) Details of the place/group
 - (b) From when you have adopted?
 - (c) How often you visit the place?
 - (d) How often they visit your Legal Aid Clinic?
23. Are you offering para-legal services such as drafting, researching etc. for your clients?
24. What are the main para legal services?
- (a) Affidavits
 - (b) Filling up necessary applications
 - (c) Social welfare schemes
 - (d) Aadhaar cards
 - (e) Ration cards
 - (f) Voter cards
 - (g) Senior citizen cards
 - (h) Registration of FIR
 - (i) Registration of Birth/Deaths
 - (j) Any other specify
25. Have you got any tie up with Legal Services Authority?
- (a) If yes, please provide the details:
 - (b) From when you have the tie-up:
 - (c) Nature of tie- up:
26. Have you got tie up with any other organization for para legal services?
- (a) If yes, please provide the details:

(b) From when you have the tie-up:

(c) Nature of tie- up

27. How often people visit your clinic for para legal services:

(a) Do you maintain a register of visitors?

28. How many people have visited last year?

29. Does your Legal Aid Clinic involve in Public Interest litigation?

(a) If so How many altogether?

(b) How many in the last year?

(c) What is the nature of PIL filed by the College/students?

(d) How many ongoing PIL?

(e) How many pending?

(f) Details of Pending PIL (court, case number and stage?)

30. Does your Legal Aid Clinic involve in Alternative Dispute Resolution?

31. If yes, which type of ADR?

(a) Arbitration – how many in the last year?

(b) Mediation how many in the last year?

(c) Negotiation --how many in the last year?

(d) ODR- --how many in the last year?

(e) Lok Adalats - how many in the last year?

32. Does your Legal Aid Clinic involve in any law reform activity:

(a) If yes, Describe its nature:

(b) The last legal reform activity your Legal Aid Clinic had undertaken:

(c) How many pending legal reform activity with your Legal Aid Clinic?

33. Whether your Legal Aid Clinic had to face any challenge/s offering legal aid through legal aid clinic?

(a) If yes, enumerate the challenges faced by the institution while providing legal aid through the medium of legal aid clinic? — —

34. Tick on the preferences on a scale of 1 to 5 when it comes to the issues faced while providing legal aid?

1- Severe Issues 2-Identifiable yet non-solvable issues 3- Large issues
4- Minor issues 5-no issues experienced

- A) Financial condition as an impediment 1-2-3-4-5
- B) Training and capacity development of faculty 1-2-3-4-5
- C) Quality related issues with student volunteers 1-2-3-4-5
- D) Paralegal restriction of students representing clients in court 1-2-3-4-5
- E) Faculty as client representative in court of law 1-2-3-4-5
- F) Curriculum/ Coursework restriction or barrier 1-2-3-4-5
- G) Lack of full time students 1-2-3-4-5
- H) Lack of support of State Bar Council 1-2-3-4-5
- I) Lack of motivation/interest by Judiciary. 1-2-3-4-5
- J) Absence of credit points for legal aid for students 1-2-3-4-5
- K) Absence of designated faculty and executive council 1-2-3-4-5
- L) Legal aid not part of API 1-2-3-4-5
- M) Lack of specific road map by Bar Council of India to provide legal aid 1-2-3-4-5
- N) Lack of digitalisation as hindrance for efficiency 1-2-3-4-5
- O) Lack of coordination committee between State Legal Aid authorities and respective college 1-2-3-4-5

35. Answer the following questions on a scale of 1-5, where 1 is the lowest and 5 is the highest-

1) Not a solution 2) May be 3) Satisfactory 4) Exceeds Expectation 5) Excellent

I) Do you think digitisation will help in better interaction with authorities and provide for speedy access to justice- 1-2-3-4-5

II) Do you think by linking and creating a pan India project of linking legal authorities and legal aid clinics will provide a better solution? 1-2-3-4-5

III) Do you think legal aid can be made a mandatory registration requirement under the Advocates Act, 1961 for registering as an advocate 1-2-3-4-5

IV) Do you think training from para-volunteers to paralegal as envisaged in Western countries will provide for a better legal aid system? 1-2-3-4-5

V) Do you think ethical guidelines for Paralegal should be created in order to protect legal aid clinics and paralegal volunteers. 1-2-3-4-5

VI) Do you agree with the system of legal aid as provided by your legal aid clinic? 1-2-3-4-5

VII) Do you think the legal aid service provided by the clinic will help in emancipation of society and marginalised people?

VIII) Do you think a good coordinated legal aid program can be of benefit to all stakeholders? 1-2-3-4-5

36. Kindly enumerate the support the legal aid clinic requires for providing an effective legal aid system?

37. List the following requirements in order of preference for providing effective legal aid?

- A) Amending Advocates Act
- B) Infrastructure
- C) Financial Aid
- D) Capacity Development of Faculty
- E) Frequent Interaction with Bar and Bench
- F) Coordination Committee between legal aid clinic and State Legal Aid Service Authority
- G) Digitisation of communication and rendering legal aid
- H) Providing a mandatory criteria for students participation

38. Allot preferences to the choices which provides for a purposeful access to justice and the college can most effectively conduct?

- 1) No use 2) Partial Use 3) Yes, but not of substantial use
4) Exceptional use 5) Great Use

- A) Legal literacy
B) Legal Representation
C) Legal Advice
D) Promoting ADR
E) Use of Digital Resources
F) Para Volunteer and Para Legal Services
G) Public Interest Litigation
H) Law Reforms

39. Whether you use digital communication to communicate with your target group?

40. Whether association with state legal service authority aid in better functioning of your legal aid cell?

41. Whether have you conducted any empirical research on your target group and their legal requirement?

42. Whether your college can help in facilitating students for more active role in Legal Aid Clinic?

Place:

(Name and Signature)

Date:

University School of Law and Legal Studies
Guru Gobind Singh Indraprastha University
Sector 16C, Dwarka, Delhi -110078

**ANALYSIS OF FUNCTIONING OF LEGAL AID CELLS IN VARIOUS
LAW SCHOOLS AND IMPACT OF DIGITISATION OF LEGAL AID
ON ACCESS TO JUSTICE**

Questionnaire for in-depth study of "Lawyers associated with Legal Aid Cells and their viewpoint on the functioning of Legal Aid Clinics and Impact of Digitisation of Legal Aid on Access to Justice".

NOTE: -Please fill correct answers to all questions in the questionnaire.

Personal Details

- (a) Name:
- (b) Address:
- (c) Telephone /Mobile:
- (d) Email:
- (e) Qualification:
- (f) Institution:
- (g) Court:

1. How you got associated with the current legal aid clinic?
2. How long is your association with the current legal aid clinic?
3. Do you have a separate office space for the legal aid clinic? Is it an on-campus clinic or an off-campus clinic?
4. How many hours in a week you devote to the legal aid clinic?

5. How many days you are available in the legal aid clinic?
6. What are the timings for the legal aid clinic?
7. Whether the legal aid clinic, you work with, is a constant one or not?
8. What is the structure of the legal aid clinic with which you are working?
9. What is the procedure to take help from the legal aid clinic you are working with?
10. What are the types of cases you receive in legal aid clinic?
11. What is the mode of advertisement of the activities of the legal aid clinic you are associated with?

12. Who are the main targets of the legal aid clinic you work with?
13. What are the core activities of your legal aid clinic?
14. How often do you become a part of Legal Awareness Camps?
15. What are the services covered under legal aid clinic?
16. What are the main para legal services you help your clients with:
 - (a) Affidavits
 - (b) Filling up necessary applications
 - (c) Social Welfare Schemes
 - (d) Aadhar Cards
 - (e) Ration Cards
 - (f) Voter Cards
 - (g) Senior citizen Cards
 - (h) Registration of FIR
 - (i) Registration of Birth /Death
 - (j) Any other, specify
17. How often you get clients for Para legal services from the legal aid clinic you work with?

18. Do you maintain a record of clients you have helped through legal aid clinic?
19. Are you involved in providing Legal aid as far as public Interest litigation is concerned?
- (a) If yes, how many so far?
 - (b) How many, particularly, in last year?
 - (c) What is the nature of PIL filed by your clients?
 - (d) How many ongoing PIL?
 - (e) Details of pending PIL (details of court, case number and stage).
20. Do you get involved in Alternative Dispute Resolution (ADR)? If yes, which type of ADR:
- (a) Arbitration-How many in the last year?
 - (b) Mediation how many in last year?
 - (c) Negotiation- How many in the last year?
 - (d) Total cases of ADR- How many in the last year?
 - (e) Lok Adalats- How many in the last year?
21. Do you get involved in any law reform activity at your legal aid clinic?
- (a) If yes, describe its nature?
 - (b) The last legal reform activity your legal aid clinic had undertaken?
 - (c) What is the number of pending legal reform activities with your legal aid clinic?
22. Whether your legal aid clinic had to face any challenges in offering legal aid?
23. Enumerate the challenges faced by the institution you work with while providing legal aid through the medium of the legal aid clinic?
24. Are you satisfied with the way the legal aid clinic which you are working is functioning?

25. Do you think you are able to cater to the genuine legal needs of the target group of your legal aid clinic?
26. How helpful do you think Legal Awareness Camps are in spreading awareness about legal rights of citizens?
27. Please specify few remarkable achievements of the legal aid clinic you work with?
28. Tick on the preferences on a scale of 1 to 5 when it comes to the issues faced while providing legal Aid [1- Severe Issues; 2- Identifiable yet not -solvable issues; 3- large issues; 4-Minor issues; and 5- No issues experienced]:
- (a) Financial condition as an impediment: 1- 2 -3- 4- 5
 - (b) Training and capacity development of faculty: 1- 2 -3 -4- 5
 - (c) Quality related Issues with student's volunteers: 1-2- 3- 4- 5
 - (d) Para legal restriction of students representing clients in court: 1- 2 -3 -4-5
 - (e) Faculty as client representative in court of law: 1- 2- 3- 4- 5
 - (f) Curriculum/Coursework restriction or barrier: 1- 2 -3 -4 -5
 - (g) Lack of full time students: 1- 2- 3- 4- 5
 - (h) Lack of support of state bar council: 1- 2 -3- 4 -5
 - (i) Lack of motivation /interest by judiciary: 1- 2- 3- 4 -5
 - (j) Absence of credit points for legal aid for students: 1-2-3-4-5
 - (k) Absence of designated faculty and executive council: 1-2-3-4-5
 - (l) Lack of specific road map by the Bar Council of India to provide legal aid services: 1-2-3-4-5
 - (m) Lack of digitisation as hindrance for efficiency: 1-2-3-4-5

29. Answer the following questions on a scale of 1-5, where 1 is the lowest and 5 is the highest [1) Not a solution; 2) May be; 3) Satisfactory; 4) Exceeds Expectation; and 5) Excellent]:

- (a) Do you think digitisation will help in better interaction with authorities and provide for speedy access to justice? 1-2-3-4-5
- (b) Do you think by linking and creating a pan India project of linking legal authorities and legal aid clinics will provide a better solution? 1-2-3-4-5
- (c) Do you think legal aid can be made a mandatory registration requirement under the Advocates Act, 1961 for registering as an advocate? 1-2-3-4-5
- (d) Do you think training from para-volunteers to paralegal as envisaged in Western countries will provide for a better legal Aid system? 1-2-3-4-5
- (e) Do you think ethical guidelines for paralegal should be created in order to protect legal aid clinics and paralegal volunteers? 1-2-3-4-5
- (f) Do you agree with the system of Legal Aid as provided by your legal aid clinic? 1-2-3-4-5
- (g) How far you think legal aid service provided by the clinic will help in emancipation of the society and marginalised people?
- (h) Do you think a good coordinated legal aid program can be of benefit to all stake holders? 1-2-3-4-5

30. Do you think that legal aid clinics of law schools may make a significant contribution towards providing legal aid services to needy people?

31. Do you think that continuous evaluation of functioning of legal aid clinics of law schools by the Bar Council of India and University Grants Commission will help in effective functioning of these legal aid clinics?

32. Kindly enumerate what according to you will be the best support system for legal aid clinics in providing effective legal aid?
33. What according to you would be the order of preference for the following in providing effective legal aid:
- (a) Amending Advocates Act, 1961
 - (b) Infrastructure
 - (c) Financial Aid
 - (d) Capacity Development of Faculty
 - (e) Frequent interaction with bar and bench
 - (f) Coordination Committee between legal aid clinic and State Legal Aid Service Authority
 - (g) Digitisation of communication and rendering legal aid services with the assistance of information technology
34. Allot preferences to the choices which according to you provide for a purposeful access to justice and which the legal aid clinic you work with can effectively conduct:
- (a) Legal literacy
 - (b) Legal representation
 - (c) Legal Advice
 - (d) Promoting ADR
 - (e) Use of Digital resources
 - (f) Para Volunteer and Para Legal Services
 - (g) Public Interest Litigation
 - (h) Law Reforms

35. Whether you use digital communication with your target group?
36. How motivated you are for your job at the legal aid clinic?
37. Is it empowering to work at a legal aid clinic?
38. What are the bottlenecks according to you in achieving optimum efficiency in providing legal aid?
39. Do you think that digitisation of legal aid clinics will increase their efficiency?
40. Whether the increasing use of information technology and digitisation by legal aid clinic will help people, seeking free legal aid, in getting better legal support in more economical manner?

41. What according to you is the way forward for legal aid and how it is going to bring in more and more people to the mainstream as far as justice is concerned?

University School of Law and Legal Studies

Guru Gobind Singh Indraprastha University

Sector 16C, Dwarka, Delhi -110078

**ANALYSIS OF FUNCTIONING OF LEGAL AID CELLS IN VARIOUS
LAW SCHOOLS AND IMPACT OF DIGITISATION OF LEGAL AID
ON ACCESS TO JUSTICE**

Questionnaire for in-depth study of "Litigating parties associated with Legal Aid Cells of Law Schools and their viewpoint on the functioning of Legal Aid Clinics and Impact of Digitisation of Legal Aid on Access to Justice".

Personal Details

- (a) Name:
- (b) Address:
- (c) Telephone /Mobile:
- (d) Email:
- (e) Qualification:
- (f) Occupation:
- (g) Income group:
- (h) Gender:
- (i) Category:
- (j) Age:

NOTE: - Please fill correct answers to all questions in the questionnaire.

1. What do you understand by the concept of 'free legal aid' service?
2. Whether you are aware of the Legal Service Authority Act, 1987? Have you ever heard of it?

3. Are you aware about who all are eligible for free legal aid?
4. Are you aware of the provisions of Article 39A and Article 21 of the Constitution of India?
5. How are you eligible to get free legal aid?
6. Do they ask you to prove your eligibility before assisting you under free legal aid service? Do they maintain any record?
7. Are you aware that one need not be a litigant to seek service by means of legal aid?
8. What is the name and the core activities of the legal aid clinic from which you are getting free legal aid?
9. Have you ever attended any legal literacy/ awareness camp in relation to free legal aid services?

10. How helpful do you think legal literacy /awareness camps are in spreading awareness about legal rights of citizens?
11. Do you think that the right to free legal aid is an essential ingredient of reasonable, fair and just procedure for a person accused of an offense?
12. Whether you had to face any challenges in getting legal aid through legal aid clinic?
13. Enumerate the challenges faced by you in explaining your matter to the legal aid personnel (for example any language barriers)?
14. How did you get to know about the legal aid services:
 - (a) Newspaper
 - (b) Relatives/Friends/Neighbours
 - (c) Legal literacy Camps
 - (d) Any other source (specify)
15. Since how long you have been in contact with the current legal aid clinic?
16. How is the infrastructure of the legal aid clinic from where you are getting free legal aid? Is there a separate chamber where you meet the concerned person for discussing your legal problems?

17. How often you visit the legal aid clinic?
18. For how many days in a week, lawyers are available in the legal aid clinic?
19. What are the timings for the legal aid clinic?
20. Whether the legal aid clinic, you visit for free legal aid, is a constant one or not?
21. What is the procedure to take help from the legal aid clinic?
22. Whether the lawyers handling your matters are experienced one or inexperienced one? If experienced, what is the range of experience (no. of years of professional experience)?
23. Do you think that the lawyers, visiting legal aid clinic for providing free legal aid, are able to cater to your genuine legal needs?

24. Do you get help at the legal aid clinic only in the form of services like drafting, researching etc.? If there are other areas in which you have received legal support, please specify?

25. What are the main para legal services you get at the legal aid clinic:

- (a) Affidavits
- (b) Filling up necessary applications
- (c) Social Welfare Schemes
- (d) Aadhar Cards
- (e) Ration Cards
- (f) Voter Cards
- (g) Senior citizen Cards
- (h) Registration of FIR
- (i) Registration of Birth /Death
- (j) Any other, specify

26. What is the structure of the legal aid clinic you get assistance from:

- (a) Visiting Advocates
- (b) Faculty
- (c) Students
- (d) All of Them

27. Do you get free legal aid as far as public Interest litigation is concerned?

28. How far do you think Lok Adalat system has been successful as one of the methods to provide free legal aid and speedy justice at the door step of the down trodden?
29. Whether you use digital communication with your lawyers at free legal aid clinic?
30. Have you experienced any improvement in services provided by legal aid clinic due to application of information technology?
31. Do you think that digitisation of legal aid clinic will increase its efficiency?
32. Whether the increasing use of information technology and digitisation by legal aid clinic will help you in getting better legal support in more economical manner?
33. Is there any other service availed by you (from public/ private sector or non-government organization) where digitization has helped you in getting services in more efficient and economical manner?

34. Are you satisfied with the way the legal aid clinic, from where you are getting the legal aid, is functioning?

35. How strong an impediment is your economic status in availing justice?

36. Answer the following questions on a scale of 1-5, where 1 is the lowest and 5 is the highest [1) Not a solution 2) May be 3) Satisfactory 4) Exceeds Expectation 5) Excellent]:

I) Do you think that digitisation will help in better interaction with authorities and provide for speedy access to justice? 1-2-3-4-5
()

II) Do you think that by linking and creating a pan India project of linking legal authorities and legal aid clinics will provide a better solution for increasing effectiveness of legal aid clinics? 1-2-3-4-5
()

III) Do you agree with the current scheme of legal aid services as provided to you by the legal aid clinic? 1-2-3-4-5
()

IV) How far do you think that the legal aid services provided by the legal aid clinic have helped in emancipation of the society and better access to justice to the marginalised people? 1-2-3-4-5
()

V) Do you think that a good coordinated legal aid program can be beneficial to all stake holders? 1-2-3-4-5
()

37. Kindly enumerate what according to you will be the best support system for legal aid clinics in providing effective legal aid?

38. How motivated are the people at the legal aid clinic for performing their jobs?

39. Does it give you any sense of empowerment that you are entitled to free legal aid?

40. Does free legal aid service boost your moral and gives you confidence to fight for your rights?

41. 'Justice is a right for all' - do you think that 'free legal aid service initiative' is able to compliment this ideology? If yes, enumerate how strong:

(a) Fairly strong

(b) Reasonably strong

42. What are the bottlenecks according to you in achieving optimum efficiency in getting free legal aid?

43. What according to you is the way forward for free legal aid services in our country and how it is going to bring in more and more people to the mainstream as far as justice is concerned?