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**Report on Dissemination Conference on Clinical Legal Education in India  
conducted by Human Rights Lawyering Project, National Law School of India University,  
Bangalore**

**Venue: International Training Centre, NLSIU, Bangalore  
24<sup>th</sup> November, 2017**

The Conference was conducted by the Human Rights Lawyering Project at the International Training Centre at the National Law School of University Bangalore on 24<sup>th</sup> November 2017.

The objectives of this conference were:

1. To present the Report and test findings.
2. To review current policies and models of CLE in India and to help redesign them.
3. To identify roles that different stakeholders can play in promoting CLE and exploring strategies to promote CLE.
4. To review the practical role that CLE has/can play in providing access to justice for marginalized groups and other areas of law, and in development and resolution of cases.

The Conference was well attended by a number of stakeholders in CLE from a Former Chief Justice of the Supreme Court of India, a High Court Judge who headed a Judicial Academy to Faculty involved and representatives of different law colleges interested in CLE. A list of participants as well as a few photographs are appended to this report.

**Key Recommendations**

- Resources wasted on formalities rather than substance, this must change.
- If Lok Adalats are to dispose of cases, what is the role of the courts? We need to change this and bring courts back to the focus.
- Beneficiary categorization is also important- who are our beneficiaries? The daily wage understanding of poverty is not suitable and we need a wider understanding of access to justice. Even those who are not poor, may not be able to access legal aid..
- Compartmentalisation of the faculty has made CLE less desirable. One person is asked to be involved and no one else thinks it is their responsibility. This must end

- Clinical programs could be successful only if it had backing by the government as government would not only focus on making them effective in law colleges but also in the justice system.
- Experience percolation cannot happen without cooperation. We need to integrate legal education with the justice delivery system. It must be mandatory. Clinics/ Laboratories are useful in other disciplines, why not Law? We need a laboratory too.
- Simulation Clinics won't have problems in administrative support, linkages, funds or sustainability. Moreover, teachers should come up with innovative sessions.
- Universities must conduct programs which do not require finance.
- Moot court competitions can focus on human rights.
- Corporate Social Responsibility funds should be tapped.
- NLSIU should do this interlinking by beginning a blog and even though it starts small, it will create useful resources for everyone.
- Make best use of technology and make videos and pictures wherein the public can understand the concepts more easily.
- CLE Teachers must be in touch on a constant basis so that information on CLE can be shared and further can be implemented.
- Allow students to come up with innovative ideas as they are much better than our generation.
- Legal Literacy can be done whenever the opportunity presents itself, for example in a neighbourhood school. Legal aid camps can be clubbed with other student activities.
- There is no credit based system, but if it is brought in, it will be appreciated.
- Students must be carefully guided and must understand the local situation, they must be picked from certain localities to be accepted.
- Need to continue having Jail visits. It makes a lot of difference.
- Student initiative clinics help students as well as teachers
- Visibility of cell is the key.
- No connection between courts and CLE which we as academicians must bridge.
- We need to begin small and start with educating and assisting support staff in our own colleges



PROCEEDINGS

**Inaugural Address by the Chief Guest: Hon'ble Mr. Justice N. Kumar**

The conference started with introductory comments of Hon'ble Justice N. Kumar, Former Judge, High Court of Karnataka on CLE in India. He gave a very practical view of CLE. He gave various tips on how to make such legal aid conferences successful. His first statement was that Legal Authorities took 20 years to get established in India. He spoke from his experience of eighteen years including working with the Karnataka Judicial Academy. He gave a reality check of legal aid programs by stating that we spend most of our time collecting people, putting up pandals, calling dignitaries, giving them garlands, reading their profiles, and arranging proper lunch and dinner. He was unhappy about the resources wasted on formalities rather than substance.

He was extremely critical of Lok Adalats where lakhs of cases are disposed of. This is done without proper procedures and lack of justice. If Lok Adalats are to dispose of cases, what is the role of the courts? We need to change this and bring courts back to the focus.

The purpose of the Legal Services Authorities Act is to ensure rights awareness and give effect to Article 21 and Directive Principles of State Policy- Access to Justice.

He advised that we must conduct programs without worrying about the number of people present on the dias and only focus to educate the actual beneficiaries. Thirdly, he advised the courts not to focus on number of disputes settled but on quality judgements on those settled. He emphasized that students must understand the objectives of legislation, analyze the enactment and know what to convey to the community they are working with. He also emphasized the importance of awareness stating that educating people about what is right and wrong can help 80% of people to be legally literate.

On legal education he stated that the time has come to reframe legal education. He advised students to go to rural areas. Furthermore, he advised on making efforts consistently as

change does not happen in one day. He also stated that people have eagerness for legal awareness. But even we must have a material in which they might be interested to learn and he advised that students should themselves to train before conducting Legal Literacy Programme. He concluded by saying the best is to educate the future generations for the betterment. A reality check at the grassroots level is required & should be conducted in the villages. The dedicated paralegal workers, advocates, and teachers are required for Qualitative justice.

### **Session 1: Policy framework and model of CLE in India**

The first session was started off by a presentation made by Ms. Hafsa Bashir Bhat , Researcher, HRLP, NLSIU. The main objective was to know about clinical models inside and outside India. To develop this project inputs were taken from Government, NGOs, Professors, and beneficiaries/clients. Policy framework on CLE was studied.

1. The role played by the Bar Council of India.
2. The role played by the National Authority Legal State Authorities.
3. The role played by the University Grants Commission.

The CLE in India has the following models:

1. The live client Clinic.
2. The faculty-driven Clinics.
3. Mandatory Clinical Courses and Elective clinics.
4. Collaborative Clinics.

Limitations and Obstacles facing Law Clinics as well as Learnings and Best Practices were examined. The common challenges faced by colleges in the implementation of clinical human rights are the lack of:

1. Faculty involvement incentives, lack of training, lack of motivation
2. Student motivation – incentives
3. Credits

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4. Administrative support
  5. Linkages/ lack of support (very important factor)
  6. Funding
  7. Sustainability

Ms. Hafsa also stated other problems like:

1. Some law institutes don't even have such clinics.
2. Students don't want to get involve in Human Rights as they are interested in Corporate law.
3. Students in other countries are allowed to present the cases wherein in India they are not.

Three respondents formally gave feedback on the presentation.

**Dr. Anirban Chakraborty**, Assistant Professor of Law, W.B. National University of Juridical Sciences Kolkata pointed out that though there were many good working models, there is a valid argument that such clinics are only followed by either national law schools or private colleges. It does not really exist in many other places. Secondly, he also argued that through analyzing this model we find out that people don't know the meaning of clinical legal aid. We ourselves are confused on whether it teaches law or serves the people. We are also not clear on the concept of the beneficiaries to the clinic.

Furthermore, he also argued that colleges are also not clear with the objectives of CLE to which he advised that objective must be both to teach law and serve people. Chakraborty advised experiential learning for law students.

Beneficiary categorization is also important- who are our beneficiaries? The daily wage understanding of poverty is not suitable and we need a wider understanding of access to justice. Even those who are not poor, may not be able to access legal aid. Even students interested in only corporate law, would be interested in helping middle class artistes draft contracts or understand lop sided contracts.

Compartmentalisation of the faculty has made CLE less desirable. One person is asked to be involved and no one else thinks it is their responsibility.



He was of the opinion that theory and practice cannot be taught in isolation. Lastly, he also stressed on how an integrated approach is necessary for students otherwise we are turning out half-baked lawyers.

The next respondent was **Prof. (Dr.) Kulwant Singh** Dean - Law Department, University of Jammu who gave a view point on the presentation stating the limitation of the Indian system to learn law, practice and then come up with justice. He was of opinion that mandatory legal clinics can help to circulate legal education in colleges. He was also of the opinion that such clinical programs could be successful only if it had backing by the government as government would not only focus on making them effective in law colleges but also in the justice system.

He felt that every teacher was protective and wanted to retain their domain and are hence not open to working with others on CLE. Police, lawyers and the judiciary are also not willing to create an interface with academia. They feel until students graduate and become lawyers and judges, they have no role to play in justice delivery.

Experience percolation cannot happen without cooperation. We need to integrate legal education with the justice delivery system. It must be mandatory. Clinics/ Laboratories are useful in other disciplines, why not Law? We need a laboratory too.

The initiative has to come from the MHRD, Bar Council and Judiciary. These bodies have to be informed.

### **Session 2: Role that CLE has/can play**

**Dr. Justice S. Rajendra Babu**, Former Chief Justice of India and Former Chairman National Human Rights Commission, was of the opinion that there should be innovativeness in the different methods of teaching to today's generation. He emphasized that CLE could play a role, but not in its current form. He deplored the waste of resources for non essential things and lack of focus of time and resources to legal aid and CLE.

In our country we have much illiteracy and much legal illiteracy. Legal literacy programmes are all very well, but no assessment is done of its effectiveness to see if it has actually borne fruit.

Law cannot be taught only in law schools, it must be experienced in the field.

**Dr. Shuvro Prosun Sarker**, Research Associate (Law), Centre for Regulatory Studies, Governance and Public Policy, NUJS, Kolkata was of opinion that in 21<sup>st</sup> Century we are talking about the same structure that we were discussing in 1973 and 1977. . Have we questioned our responsibilities as a teacher to motivate the students? While the Bar Council mentions it, in what way is it to be mandatory or elective is unclear.

He was of strong belief that in Simulation Clinic we won't have problems in administrative support, linkages, funds or sustainability. Moreover, he stated that we as teachers should come up with innovative sessions. He questioned on why to stick to only four models? Later, he advised that teachers can put in a curriculum which can help students to enhance the practical learning. For this values like social justice must be cultivated by teachers. He was also of opinion that innovation will move forward CLE.

**Mr. Sajal Sharma**, Assistant Professor, Presidency University, Bangalore:

The professor questioned what must be the objective of CLE? Wherein he replied stating that the objective must be to resolve the issues and grow legal awareness among the society.

There is also a lack of structural framework as most colleges are in urban areas. Legal aid is needed most in rural areas. There is a need for collaborations to increase the reach of legal aid.

**Ms. Stuti from BILS** listed two objectives of CLE as providing legal services-

- a) A Band Aid effect- dealing with the immediate problem and generating a quick fix remedy
- b) Broader systemic effects- long term with changes in policy making, legal literacy etc

She felt that both were needed for CLE which is something that Bar Council mandates.

**Ms. Suman Dash Bhattamishra**, Assistant Professor, National Law University Odisha, Cuttack.

She was of the opinion that universities must conduct programs which do not require finance. That is by designing brochures, posters, counselling people as it does not require much financial input. She also gave a suggestion of involving more government universities in National Law School projects of CLE. She also admitted that in Orissa traditional Universities face obstacles. Making individual contributions to legal aid is different from institutional commitments.



**Mr. Omprakash**, Assistant Professor, M S Ramaiah College of Law Bangalore. He made three suggestions:

1. To have proper structure for CLE.
2. To bridge all the models.
3. To have rural government collaborations with National Law Schools.

**Mr. Vivek Shukla**, Assistant Professor, M S Ramaiah College of Law, Bangalore

He was of opinion that in moot court competitions, there are various problems on company law, arbitration etc. The moot problems brings out the awareness about the subject therefore universities can focus on setting problems on Human rights which can build the same.

**Mr. Shankarappa**, Teacher's Law College , Bangalore

He was of opinion that Corporate Social Responsibility funds should be tapped.

**Akshata Arjunagi**, Student, St. Joseph's College of Law Bangalore:

One of the student of K.L.E gave her opinion stating that as students they are not aware about whom to approach when they face any real life problem in front of their eyes regarding CLE. Thus, CLE is very useful for students.

**Ms. Neha Mishra**, Assistant Professor, Presidency University, Bangalore

She stated that the CLE objective was two fisted-

- a) The percolation of knowledge to marginalized who may not be able to afford legal consultancy. A college could have a set-up wherein it could provide legal knowledge to people who are not able to get legal counselling. Furthermore, she also wondered how we could ensure that universities in India will actually comply with CLE in spirit..

**Mr. Sultan Beary**, Advocate, Bangalore:

He gave a suggestion that as MBBS students have compulsion to work in rural areas likewise it should be made a mandate for law students. However, most participants disagreed the apprenticeship rule which existed earlier was not put to young lawyers.



**Session 3: Implementation of CLE**

**Linkages of Human rights law clinics with legal aid movement:**

The Report focused on access to justice for the marginalized through CLE. The Report also suggested that access to justice can be improved either by student initiative or by faculty initiative and that we must collaborate with different organs/institutions of state to broaden the idea of CLE.

Later, the session was responded to by panelists:

**Mr. T. Limanochet Jamir**, Assistant Professor, Kohima Law College, Nagaland:

He stated that legal literacy rate in Nagaland is quite low. He gave a presentation wherein, he gave certain suggestions from his experience in Nagaland:

- 1. Role of lawyers and students is a must to educate masses on legal aspects especially in rural areas.
- 2. Must conduct different meetings for men and women as in the presence of men women don't ask questions.
- 3. Clinical education must start from grass root level.

**Mr. Himangshu Ranjan Nath**, Assistant Professor of Law, National Law University and Judicial Academy, Assam, Guwahati:

He stated challenges faced by him during the course of CLE in Assam:

- 1. In NLU- Assam most of the students are from different parts of India due to which they are unable to communicate with tribes located there for legal outreach.
- 2. People do not know about their rights

Later, the discussion was made open for all. The key responses are noted below.

**Dr. Anirban Chakraborty**

He gave the suggestion for new colleges wherein NLSIU grandfather of colleges can help new borns to come up with clinical legal education which can help new colleges to develop CLE in their colleges smoothly. He felt that as an outsider, NLSIU should do this interlinking by beginning a blog and even though it starts small, it will create useful resources for everyone.

**Ms. Anita Patil**, Assistant Professor, NLSIU

She gave a view point on behalf of teacher's initiative to start a club on WhatsApp at the grass root level wherein later they could conduct awareness program. We need to motivate students to move beyond their syllabus and deal with contemporary issues.

**Mr. Vivek Shukla**, Assistant Professor, M S Ramaiah College of Law, Bangalore

He gave a suggestion on how to make best use of technology and make videos, pictures wherein public can understand the concepts more easily.

**Mr. Sajal Sharma**, Assistant Professor, Presidency University Bangalore

He gave a suggestion on being in touch on a constant basis so that information on CLE can be shared among them and further can be implemented in our college.

#### **Session 4: Stock Taking**

In this session discussion moved around how to operationalize the Report.

**Ms. Rajashree K**, Assistant Professor, M S Ramaiah College of Law, Bangalore.

She wondered that institutions could inculcate CLE culture among students as money is more important to them as they want to keep up with the competition. She suggested that the National Law School develop a Manual for the training of teachers on CLE. She pointed out that the Legal Services Authority would respond with less enthusiasm to private colleges.

We also need to disseminate information on government schemes available to be able to connect to people.

**Mr. Omprakash**, Assistant Professor, M S Ramaiah College of Law, Bangalore:

He stated his concern that when his students went for a survey to the villagers, they weren't interested to hear them. Students need to build a rapport and talk about relevant issues.

**Ms. Stuti Desai Moorchung**, Assistant Professor, Bangalore Institute of Legal Studies

She stated that we must be aware of the legal literacy needs of the people.

1. Relevant object (Who we want to help)



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2. On what they want help. (Property rights, death certificate, heirship certificate procedures etc)

**Prof. (Dr.) Sarasu Esther Thomas**, Professor of Law, NLSIU

She stated her experience and made it clear that some solutions are outside the purview of law. Law does not have a solution for everything. We must understand what community wants.

**Dr. Anirban Chakraborty**

He also stated his experience and said that we go with specified laws. We have to involve the villagers in CLE. We have to understand about innovation. The moment you go with a curriculum, the students are not interested. We must tell them the problems they will come up with innovative ideas as they are much better than our generation. Trust the students as they are wealth.

Teacher should not teach, and should merely supervise.

**Mr. Om Prakash**, Asst. Prof, Ramaiah College of Law, Bangalore

1. Importance about awareness
2. Defined policy about clinical legal education.
3. Work load credit to faculty.
4. Academic credit to students.
5. Properly identify marginalized sectors.

**Ms. Soumya** , Assistant Professor, KLE College, Bangalore:

She spoke about the institution's role in making students work for CLE. Institutions must be aware about what students capabilities are. **G S Veena, Associate Professor, Vivekananda Law College** Legal Literacy can be done whenever the opportunity presents itself, for example in a neighbourhood school. Legal aid camps can be clubbed with other student activities. There is no credit based system, but if it is brought in, it will be appreciated.

**Mr M K Matolli, Principal, Government Law College, Hassan**

Students must be carefully guided and must understand the local situation, they must be picked from certain localities to be accepted.

**Sultan Beary, Advocate**

Need to continue having Jail visits. It makes a lot of difference.

**Ms. Anita Patil**

She gave a suggestion wherein a booklet with FAQs can be formed for questionnaires for the villagers which are exclusively in regional languages.

**Ms. Veena G S, Associate Professor, Vivekananda college of Law, Bangalore**

She gave a suggestion to have compulsory credit points for CLE to achieve a degree in law  
**Prof. Sarasu, NLSIU**

She stated that student initiative clinics help students as well as teachers to make use of what they have studied and use the same in reality.

**Ms. Suman**

She stated that winning trust and confidence is more important. Visibility of cell is the key.

The community is informed more than us as it benefits them. They only believe when they see proof we can help them for getting the certificate or helping them to draft the certificate.

**Dr. Shuvro**

He questioned what we are giving students by this legal education?

To which he replied that we are providing skills to the students.

**Ms. Stuti: Assistant Professor , BILS**

She continued on the same note stating that we are educating children to learn about client counselling. Law is a profession where we have legal as well as social responsibility. We must give students a real trial court experience by conducting clinical legal education. True knowledge always comes by practice and experience. Right now, there is no connection between courts and CLE which we as academicians must bridge.

**Ms. Sumitra Acharya, Advocate, Bangalore**



We need to tap DLSA funds. Students need to understand that they are part of something bigger. There is a huge challenge in justice delivery because of the poor quality lawyers available for marginalized, poor clients.

**Ms. Shilpi, Assistant Professor, Christ University**

We need to begin small and start with educating and assisting support staff in our own colleges.

**Ms. Hafsa:**

We need to translate the articles in a blog in regional languages.

**Dr. Chakraborty:**

BCI can be channel for funding.

At the end, Prof Sarasu who moderated all the sessions concluded by proposing the Vote of Thanks to all the panelists, participants and others who contributed to make the event a grand success.

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**Dissemination Conference on Clinical Legal Education in India**  
**Human Rights Lawyering Project, NLSIU, Bangalore**  
**24<sup>th</sup> November 2017**

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**SHIFTING PARADIGMS: MAKING CLINICAL LEGAL EDUCATION RELEVANT**

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*Project Period: One Year*

*Name of Implementing Agency: National Law School of India University, through its Human Rights Lawyering Project*

*Principal Coordinator: Dr. Sarasu Esther Thomas, Professor, Coordinator Human Rights Lawyering Project*



**About the Authors**

**Prof. (Dr.) Sarasu Esther Thomas**

B.A., LL.B. (Hons.) (1995), LL.M. (Business Laws) (1999), Ph.D in Law (2008) all from National Law School of India University, Bangalore. She has been on the Faculty from 1997, as Assistant Professor since 1999 and was promoted as Associate Professor in 2012. She was British Council Fellow for the Teachers' Training Programme at Cardiff in 2004 and Linnaeus Palme Fellow for several years. She is also a Visiting Professor at The Royal Institute of Technology Stockholm, Sweden.

She coordinates the Centre for Women and the Law and the Human Rights Lawyering Project. She is the Chief Editor of the National Law School Journal and the March of the Law. Dr. Sarasu coordinates a number of Research Projects on Clinical Legal Education, Human Rights, Reproductive Rights and Sex Selection, Water Law, Trafficking and Rights based Lawyering. She has also served as a Consultant to the UN Organisation on Drugs and Crime and has been a part of the Expert Group on trafficking Cases Databases of the UNODC, Vienna.

Dr. Sarasu has authored several books, articles and research papers on different areas of Human Rights and Family Law and has presented papers at national and international conferences on her areas of interest.

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## Chapter I

### 1.1 Background of the Project

In this report, the researchers seek to examine the current framework of clinical legal education (CLE) in Indian law universities and law colleges, to assess the extent to which law schools in India provide for clinical experience; and to study the limitations and difficulties faced by them in providing a platform for the implementation of human rights law. The project also aims to assess what models of human rights law clinics exist around the world and how they benefit law students. This is however limited to gaining lessons for India. This involves both theoretical knowledge as well as practical skills that can be used on the ground. The other aim is to see how CLE can be best implemented and promoted in India so that future lawyers can take up human rights and pro bono services as a career path which will greatly benefit marginalized communities. Finally the aim of this project is to consult professors, members of judicial academies and bar councils to examine possibilities of integration of human rights law clinics into syllabi across law institutions.

The first chapter of the report provides a brief outlook on the background of the project, context and objectives and methodology. The second Chapter provides a brief outlook of the policy framework surrounding CLE in India. It also studies the existing as well as emerging models and trends of law clinics in India as well as abroad and highlights various limitations and obstacles faced by law clinics in India, followed by a comparative analysis of human rights law clinics around the world. The third chapter discusses in detail recommendations based on interviews with judges, advocates, academicians and clinicians who are at the helm of implementing CLE in India.

### **1.2 Context**

R. Grimes, has defined CLE as "a learning environment where students identify, research and apply knowledge in a setting which replicates, at least in part, the world where it is



practiced... It almost inevitably means that the student takes on some aspect of a case and conducts this as it would ... be conducted in the real world.”<sup>1</sup>

Martha C Nussbaum while commenting on the goals and models of education stressed on the importance of experiential and active learning.<sup>2</sup> The concept of Clinical Legal Education (CLE), as the name suggests, refers to legal education that integrates skill building with students being exposed to the realities of the socio-legal world they inhabit, observing and analysing first-hand events that transpire there and to assess how these realities affect other people.

It is important to have clarity on whether a particular activity / teaching methodology fulfills the definitions and characterisations of clinical legal education, and whether they can be called "clinical". There is a lot of literature on what can be considered 'clinical' or not.<sup>3</sup> Since the field of CLE is still very nascent in India, there is little consensual clarity on what qualifies as 'clinical' in CLE among various legal academicians, clinical faculty, administrative authorities such as the Bar Council of India and the students. There is certainly the need for institutional, regional and national clarity on the understanding of 'clinical' by various stakeholders.

The primary objective of CLE is to see how law students, and eventually lawyers, can play an effective role in providing legal relief and assistance to those affected. The aim therefore, is to create *socially relevant* lawyers, who appreciate the need to engage directly, or indirectly, with different strata of society and become involved with the social issues. As far as academics are concerned, law clinics serve two purposes. Firstly, it helps students gain practical experience which may not otherwise be possible inside a classroom; secondly, these clinics provide services to various clients who often belong to marginalized sections of society.<sup>4</sup> Many of these clinics are specialised and offer free legal services or pro bono work to a large number of poor clients.<sup>5</sup> Thus, one can state that there are three broad goals and

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<sup>1</sup> R. Grimes, *The Theory And Practice Of Clinical Legal Education* in *TEACHING LAWYERS' SKILLS* (J. Webb and C. Maugham eds., 1996) at p 138.

<sup>2</sup> Martha.C.N., *Not for Profit: Why Democracy Needs the Humanities*, Princeton University Press (2010).

<sup>3</sup> Madhava Menon N.R. & Nagaraj V., *Development of Clinical Teaching at the National Law School of India: An Experiment in Imparting Value Oriented Skills Training*, in *CLINICAL LEGAL EDUCATION: CONCEPT AND CONCERNS, A HANDBOOK ON CLINICAL LEGAL EDUCATION*, 241 (N.R. Madhav Menon, ed., Eastern Book Company, Lucknow, 1998).

<sup>4</sup> E. Winkler, *Clinical Legal Education A Report on the Concept of Law Clinics*, available at [http://law.handels.gu.se/digitalAssets/1500/1500268\\_law-clinic-rapport.pdf](http://law.handels.gu.se/digitalAssets/1500/1500268_law-clinic-rapport.pdf), last visited on 10 December 2016.

<sup>5</sup> Avani Bhansal, *Clinical Legal Education As A Means To Advance Access To Justice In India* (July 2017) (Available at: <http://www.livelaw.in/clinical-legal-education-means-advance-access-justice-india/>).



objectives of clinical legal education. These are (a) teaching practical skills and values, (b) teaching theory of professional lawyering, and (c) assisting in fulfilling the goal of access to justice.<sup>6</sup>

In India, while the objectives of clinical human rights education are the same as in all other countries, its flavour is slightly different. One might say that the *character* or the *focus* of CLE prioritises *access to justice*.<sup>7</sup> Its focus is on instilling the values of social service and serving the needy. Emphasizing the role of the lawyer in the goal of access to justice is the unique character of CLE in India as compared to West. The focus of CLE is not so much on legal practice, but on rights awareness and legal advice. Honing practical skills required for effective learning, while equally important, is the secondary goal. This follows the Global South Model of CLE/Asian model of CLE.<sup>8</sup>

As of today, clinical human rights education in India is largely ad hoc, and driven in most instances by the need to merely fulfil Bar Council of India’s (BCI) mandate. While this might be a beginning, we are seeing more and more law colleges and universities taking up the mantle of effective CLE and doing their best, given their individual circumstances and limitations. The authors of this report throughout the research have found that students, academicians and practioners have stressed the importance of linking CLE with social service and access to justice. The same has been expressed by regulatory authorities and is made evident in the form of various amendments in rules regarding CLE in India. There are many success stories of clinical legal education in our country today, and as we speak, new legal clinics are springing up.

On the other hand, there are sophisticated and extensive clinical legal education programs in Canada and United States which are enriched with good literature on skills and theories of practice. Australia in the Southern Pacific Region has a growing number of clinical programs whereas it remains virtually unknown in Japan. In Latin America, some clinics such as the clinic at the University of Buenos Aires, clinical programs at Diego Portales and University of Chile Law Schools in Santiago are good regional examples. In Africa the clinic at the law

<sup>6</sup> Wilson R. J., *Training for Justice: The Global Reach of Clinical Legal Education*, 22 *PENN STATE INTERNATIONAL LAW REVIEW* (2003-04) 423-424, available [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1021347](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1021347), last visited on 10 December 2016.

<sup>7</sup> Kate Bandy, *Clinical Legal Education in India* (November 2017) (Available at: <http://www.open.ac.uk/blogs/openjustice/?p=71>)

<sup>8</sup> Shashikala Gurpur, Rupal Rautdesai, *Revisiting Legal education for Human Development: Best Practices in South Asia*, *PROCEDIA - SOCIAL AND BEHAVIORAL SCIENCES* 157 (2014) 254 – 265, at 255.

school of South Africa's University of Natal is the leader of the clinical movement there. In the Philippines, a number of long established law school clinics serve as models for neighbouring countries.<sup>9</sup>

While the enthusiasm around CLE as a valid and essential method for producing socially relevant lawyers is now in vogue, it still has a long way to go. The challenges and limitations that CLE, as has been found through this research, range from lack of funding to separation and therefore, marginalization of CLE in comparison with various other models adopted by the legal institutes. A point to note is that there is no one unifying administrative structure for law colleges and law universities in our country. Thus, when each law college is structured differently, governed differently, with different syllabi, methods and faculty involvement, it is hard to expect a standard formula (in content, method and practice) for clinical legal education. Thus, we see surprising and often unexpected presence of committed clinical legal education in some colleges, and at the same time, even in the best universities where clinical legal education has been operating for a long time, an absence of sustained clinical teaching. The failure, as has been noted by many advocates and teachers throughout this project, can be attributed to the ban on full time teachers practicing in courts and on students to represent their clients in court even with a lawyer assisting them.

### **1.3 Objectives and Methodology**

The project was done through widespread consultations and cooperation from professionals of many streams. In undertaking this research, the main reliance is placed on primary sources such as interviews and conversations with those at the helm of implementation of clinical legal programmes in various law schools and organisations in the country. Students were also interviewed to understand their experience with clinical legal education. Secondary sources such as reports, articles, books and internet sources supplement the above as this is a highly evolving field in India. Academicians as well as members of judicial academies, lawyers and judges were consulted.

The main objectives of this study include:

- To get a bird's eye view on the state of clinical legal education in India from the point of view of different stakeholders.

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<sup>9</sup>*Ibid.*, at 256.



- To develop strategies for overcoming obstacles to clinical legal education and for promoting clinical legal education in law universities and colleges.
- To draw from comparative experiences relevant to the Indian context from other parts of the world.
- To have a brainstorming cum dissemination conference which would not just test the strategies developed but also help both colleges and universities which are planning to offer clinical legal education programmes or are facing obstacles in existing programmes.

The research has involved the following methods:

- Brainstorming session after initial Research Plan.
- Field visits to identified Universities and Colleges to study the functioning of Legal Aid Clinics, Legal Aid Societies and established Clinical Courses.
- Structured interviews with Faculty, Judges, Lawyers, Students, NGOs, and other experts involved in clinical legal education.
- Individual Case studies to see how far a role the legal clinic has had in the development and resolution of a case.
- Desk based review on Study of the regulatory legal and policy framework at the domestic and international level relevant to clinical legal education.
- Desk based Review of selected clinical teaching models of clinical legal education national and international levels.
- Collection of training modules on clinical legal education for clinical law professors, supervisors and students for their evaluation
- Analysis of circulars, guidelines, etc., available for the establishment and conduct of clinical legal education.
- Dissemination Conference to test findings and to popularize the publication.



## Chapter II

### **2.1 Introduction**

The findings through the course of this research are organised into several broad categories. First, we have traced the development of CLE in India and the policy framework that surrounds CLE in India. In depth analysis of the role played by concerned authorities is provided under this head and certain shortcomings are also discussed. Second, we study various noteworthy models of CLE that are made available in different legal institutes in India. This section also elaborates on the role played and work done by various clinics in general or specific areas of law, for example, prison reforms, women rights, consumer issues etc. A short analysis of models available elsewhere in the world, is carried out in this section. This is followed by analysing barriers and limitations to CLE in India. While this section briefly discusses certain recommendations, the same are elaborated upon in the following section. Many advocates, judges and academicians had some divergent views on what will work best in Indian legal institutes as well as in the context of Indian society where the number of poor people and marginalized groups is high.

### **2.2 Policy Framework surrounding Clinical Legal Education in India**

For the first time in 1949, the Bombay Legal Education Committee recommended that practical courses should be made compulsory for law students and that the teaching method should include seminars or group discussions, moot court competitions etc. In 1958, the Law Commission of India, in its 14th Report, recognized the importance of professional training and for a balance of both academic and vocational training. It recommended that University training must be focused on practical knowledge to those who chose to practice law in the courts.<sup>10</sup>

In the late 1960's and early 70's, Professor Menon demonstrated the use of student run Legal Aid Clinics in offering legal aid to the needy and also providing practical skills to law students. The Bar Council of India issued a directive in 1997 that requires law schools to

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<sup>10</sup>Archana.K., *Practicability of Clinical Legal Education in India - An Overview*, 4 (26) JOURNAL OF EDUCATION AND PRACTICE (2013), at 159, 160; available at [www.ijste.org/Journals/index.php/JEP/article/download/9866/10077](http://www.ijste.org/Journals/index.php/JEP/article/download/9866/10077), last visited on 10 December 2016.

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include certain classes focused on practical training<sup>11</sup> and in its 2002 Report; the Law Commission of India suggested that clinical legal education be mandatory.<sup>12</sup>

Typically, clinic students are engaged in experiential learning through active involvement in some type of social justice activity, such as a legal aid clinic. The National Knowledge Commission (NKC) which was established in 2005 established a working group on legal education and stressed the importance of imparting skills through field-study, visits, simulated legal environments etc.<sup>13</sup> Additionally, the Report also stressed that it should be made compulsory to expose students to various problems faced by Indian societies such as poverty, social exclusion through various methods of CLE such as seminars and debates. In the NKC Report, the mandatory nature of CLE was stressed upon and it is stated that fifty percent core subjects should include clinical courses rather than making them just optional.<sup>14</sup>

In one of the interviews Kunal Ambasta, a Visiting Assistant Professor at the National Law School of India University reiterated that legal education should ultimately lead to creation of lawyers to bring positive change in society which can only be attained by exposing students to various problems.<sup>15</sup>

The 2nd University Grants Commission Report of 2000 which is of particular interest to Clinical Legal Education was prepared by a Curriculum Development Committee, which was asked to upgrade the syllabus of the LL.B. course.<sup>16</sup> The Bar Council of India Rules

<sup>11</sup> Bar Council of India, Circular No. 4/1997; The circular also mandated the inclusion of 4 practical papers. Law schools have been required to introduce these 4 practical papers since academic year 1998-99, which was viewed as a big step toward introducing Clinical Legal Education formally into the curriculum.

<sup>12</sup> Law Commission of India, 184th Report (2002) available at <http://lawcommissionofindia.nic.in/reports/184threport-PartI.pdf>, last visited on 10 December 2016, at 96: In the matter of prescribing topics for the law course, the Commission considers that clinical legal education may be made mandatory subject. This course features as part of the law curriculum in all universities in South Africa and is an excellent supplement to the legal aid system. Even here in India, the Delhi university has for many years now been running a successful legal clinical education programme where students are able to provide minimal legal assistance in the form of drawing of the petitions/applications and offering legal advice, to undertrial prisoners and inmates of custodial institutions. This could be made mandatory in all law colleges"; at 132: "It is also recommended that the clinical legal education may be made a compulsory in legal education."

<sup>13</sup> National Knowledge Commission, "Report of the Working Group on Legal Education" Working Group on Legal Education (Available on [http://knowledgecommissionarchive.nic.in/downloads/documents/wg\\_legal.pdf](http://knowledgecommissionarchive.nic.in/downloads/documents/wg_legal.pdf)) Page 7

<sup>14</sup> National Knowledge Commission (n 5).

<sup>15</sup> Interview with Kunal Ambasta a Visiting Assistant Professor at the National Law School of India University.

<sup>16</sup> Prasad, M.R.K., *Legal Education in India: Role of Clinical Legal Education in Developing, Institutionalizing and Implementing a Social Justice Mission for Law Schools* (April, 2010), LL.M. Thesis at V. M. Salgaocar College of Law, at 110, available at <http://library.unigoa.ac.in:8081/xmlui/bitstream/handle/123456789/549/T-ueance-1>, last visited on 10 December 2016 [hereinafter Prasad, M.R.K., Clinical Legal Education Thesis].



which require credit for clinical work seem to contemplate some measure of specific skills training.<sup>17</sup>

Concerns on the quality of the legal education led to the introduction of a one-year apprenticeship requirement vide an order of the BCI<sup>18</sup> but the same was rightly struck down by the Supreme Court of India as being a measure ultra vires the powers vested in the BCI by the Advocates Act, 1961.<sup>19</sup> Thus, prior to the order of the BCI in the year 1997, regarding introduction of four practical papers, the authorities viewed an apprenticeship subsequent to completion of a degree in law as the only method of providing practical exposure to the candidates.<sup>20</sup>

The Clinical movement in India came into a shape due to the mandatory requirement from the BCI. This was further strengthened by directives from State Legal Services Authorities in some States like Rajasthan to start a Legal Aid Clinic. As a result, several Law Colleges started Legal Aid Cells on their campuses.<sup>21</sup>

### **2.2.1 Role of Bar Council in Drafting Syllabus and Pedagogy**

Both the Bar Council of India and the State Bar Councils have pivotal roles as these bodies lay down the rules of legal practice in the country and the state respectively. The Bar Council of India (hereinafter BCI) has indeed played a very important role in the development of legal education in India. The BCI has had a role in structuring the Legal Education System in India as it exists today.<sup>22</sup> The BCI was the first in laying down the syllabus, classroom teaching, court visits, moot courts, legal aid work, and other practical training programmes for law students. It was the BCI's decision to replace the three year course with the five years integrated course and sponsor the first National Law School in Bangalore.<sup>23</sup>

<sup>17</sup>Archana. K., *supra* note 9, at 159.

<sup>18</sup> Rule 2 to 15, Bar Council of India Training Rules, 1995, available at [http://ksbc.org.in/Advocate\\_Act/Advocate\\_act\\_Pg-103.aspx](http://ksbc.org.in/Advocate_Act/Advocate_act_Pg-103.aspx)

<sup>19</sup> V. Sudheer v. Bar Council of India, 1999 (3) SCC 176.

<sup>20</sup>*Supra* note 12, Prasad, M.R.K., Clinical Legal Education Thesis, at 55.

<sup>21</sup> United Nations Development Programme India, A Study of Law School Based Legal Service Clinics 2 (2011), (covering seven major states: Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Orissa, Rajasthan, and Uttar Pradesh) at 45, available at [http://www.in.undp.org/content/dam/india/docs/a\\_study\\_of\\_law\\_school\\_based\\_legal\\_services\\_clinics.pdf](http://www.in.undp.org/content/dam/india/docs/a_study_of_law_school_based_legal_services_clinics.pdf), last visited on 10 December 2016. [Hereinafter UNDP Study]

<sup>22</sup>B.A. Lasky and M.R.K. Prasad, The Clinical Movement in South-East Asia and India: A Comparative Perspective and Lessons to be Learned, in *The Global Clinical Movement: Educating Lawyers for Social Justice*, ed. Frank Bloch, at 47.

<sup>23</sup> *Ibid.*



More significantly, the Bar Council of India too passed rules to govern law schools and has mandated that for accreditation there must exist a functional legal aid clinic within the law school.<sup>24</sup> However, this regulation remains largely on paper and has not been seriously implemented. Whatever little has happened however, is that previous initiatives such as those by the Delhi University which follow the traditional model of legal aid have been replicated. There needs to be a serious rethinking about clinical legal education as it has for the most part failed to be dynamic.<sup>25</sup>

**2.2.2 Practical Training Policy of Bar Council of India**

The Bar Council of India, whose mandate it is to govern legal education in India, has taken cognizance of the need to provide practical experience of legal practice to students, but is hardly involved in the supervision of the implementation of clinical legal education.<sup>26</sup> Clause 11 of the Schedule III to its Rules on Standards of Legal Education and Recognition of Degrees in Law (hereinafter Bar Council Rules of Education, 2008) requires for the purpose of enrolment as advocates and inspection of Universities for recognizing its degrees in law:

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

**2.2.3 Policy on Inspection and Monitoring**

Rule 20 of the Bar Council Rules of Education, 2008 provides for the establishment of an Inspection and Monitoring Committee, which is supposed to examine the feasibility of standard clinical education in all Universities. Justice Ron Vasudev, additional city civil judge said in his interview that the BCI has a prominent role to play in modulating Uniform Governing Body to have a similar set of rules and procedures in the creation and maintenance

<sup>24</sup> Iqbal S.I & Frank S.B, Legal Aid, Public Service and Clinical Legal Education: Future directions from India and the United States, Michigan Journal of International law, Vol. 12, Issue I (1990).

<sup>25</sup> Ibid.

<sup>26</sup> Based on one of the interviews.

of CLE throughout India. However, the BCI has failed in this matter to the extent that certain legal institutions have not made CLE a part of their curriculum and even if it is a part of the curriculum, no emphasis is given to the subject. A similar view was expressed by Justice AC Upadhyay, Director Judicial Academy, Assam, that the BCI has failed to provide for a coordinated model for suitable implementation of CLE in legal institutes and that such models are only available in limited law schools.

In many interviews, academicians expressed the view that intervention of the BCI can make legal service more effective and at the same time it will encourage legal institutions to take pro bono cases and provide legal service through good channels and follow up till the end results are met. Since it is the body that currently governs legal education in the country, there is an imperative need for it to do more to improve the quality of CLE in India. Ms Anu Chengappa, Advocate at the family court, Bengaluru said that a positive role that the BCI can play in making CLE a success in India is overdue. Ms Veena Rai, Advocate further held that there should be an institutionalised approach in promoting CLE in India; however, her concern was that there is no active or ideal role played by the BCI in promoting or strengthening CLE.

#### **2.2.4 Compulsory Policy on Legal Aid Centre/Legal Service Clinic**

The NALSA and SLSAs have an active interest in promoting legal aid and pro bono lawyering, and providing adequate legal services to the downtrodden sections of society by engaging students, committed faculty and pro bono lawyers, in clinical activity that also helps society. This is in keeping with their mandate.

Section 4(k) in The Legal Services Authorities Act, 1987 states that the Central Authority shall perform all or any of the following functions, namely:

*(k) develop, in consultation with the Bar Council of India, programmes for clinical legal education and, promote guidance and supervise the establishment and working of legal services clinics in universities, law colleges and other institutions.*



The objective of this section was two-fold. One is to improve the clinical legal skills of the students and the second is to inculcate an attitude amongst the students to provide effective legal services to the poor and marginalized people.<sup>27</sup>

Following this, the National Legal Services Authority came out with the National Legal Services Authority (Legal Aid Clinics) Regulations, 2011 with the object of setting up of legal aid clinics in villages or for a cluster of villages, Regulations 22 to 26 of which apply to student legal aid clinics as well.

In 2013, the National Legal Services Authority (Legal Services Clinics in Universities, Law Colleges and other Institutions) Scheme, 2013 was enacted. The fundamental objective was to set up nationwide clinical legal collegiate Legal Services Clinics to make the law students acquainted with the issues of the people. This was also done to spread legal awareness and to expose students to community services. The Section 3 and 4 provided for the establishment of these clinics and the requirements while section 5 has details pertaining to the faculty assisting the clinic and the guest faculty. The other sections contain details regarding their functions, responsibilities, funding etc.<sup>28</sup>

Now, while these Rules are present in writing, and that in itself, is an admirable move by the NALSA, it is not completely present in practice. Nevertheless, the extent of involvement of each SLSA or DSLA in the law clinics of their state/district depends on several factors, such as, degree of interest and initiative by the persons chairing and managing the LSA, involvement and reaching out by the students to the LSA, extent of activities the clinic is already undertaking, amount of funds available for spending on the law clinics.<sup>29</sup>

There are many successes in this regard. The LSC in GNLU, Gandhinagar, is in constant touch with GSLSA and sends them a report every month. At every event the GSLSA sends a member to GNLU.<sup>30</sup> GSLSA lawyers take up LSC matters for a few hours every week.

The Legal Aid Cell at NUSRL,<sup>31</sup> Ranchi has good relations with the Jharkhand Legal Services Authority and the Ranchi DLSA.<sup>32</sup> Whenever JHALSA organises an event, such as

<sup>27</sup>National Legal Services Authority (Legal Services Clinics in Universities, Law Colleges and other Institutions) Scheme, 2013.

<sup>28</sup> Section 3, 4, 5, 6 the National Legal Services Authority (Legal Services Clinics in Universities, Law Colleges and other Institutions) Scheme, 2013.

<sup>29</sup> Interview with Dr. Anirban Chkraborty, Professor of Law, WBNUJS, Kolkata.

<sup>30</sup> Based on field visits and interviews with students and academicians.

<sup>31</sup> *ibid.*

<sup>32</sup> *ibid.*



the 13th NALSA summit in 2015, the students from the Cell get involved. When the students go to camps, the DLSA Ranchi supports them, and JHALSA supports them in other cities. They arrange for protection in Naxalite areas, and food packets for students, when they go for events in these areas. JHALSA also helps organise Jail visits, they give the students many opportunities, and they send their empanelled lawyers to assist. The students have a good relationship with them, and whenever approached for help, they do help.<sup>33</sup>

VM Salgaonkar College of Law, Panjim had an official tie up with the DSLA for two years about 7-8 years ago, when they used to receive Rs. 1000 per legal literacy program. However, their lawyers didn't show up, and there were other issues with funding. Since then, the relationship is purely on a need basis. If one of the legal aid cells encounter a client who needs a legal aid lawyer, then they refer the client to the LSA and obtain representation directly for the client. There is no longer a formal relationship with the authority. Nevertheless, the students of the legal aid cells in each district have good relations with the local authorities, village panchayats and the law and order officials. They often obtain a space to conduct their weekly free village legal aid clinic in a community space such as the Panchayat building, government school or a temple or church. Further, the specialised clinics work closely with NGOs in the child rights space, the Consumer fora and the Prisons Authorities, among others.

### **2.2.5 Policy on Student Practice**

As is well-known, several countries allow students accompanied by lawyers/teachers to represent clients in the courts of law, also known as the client representation model.<sup>34</sup> This is completely absent in our country as it is specifically prohibited under the Advocates Act.

There is talk among several scholars and legal luminaries of the country that this rule should be removed, or in the least, modified to allow students to practice under the guidance of certified faculty members.<sup>35</sup> This, their argument goes, will allow students to gain more practical exposure to the courtroom environment, and garner relevant practical skills before

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<sup>33 35</sup> A. Mandhani, *Day 1: Right to Practice Law is a Fundamental Right and AIBE "Negates" The Very Right: SC, LIVE LAW*(Mar 1, 2016); <http://www.livelaw.in/right-to-practice-law-is-a-fundamental-right-and-aibe-negates-the-very-right-sc/http://www.livelaw.in/right-to-practice-law-is-a-fundamental-right-and-aibe-negates-the-very-right-sc/>, last visited on 10 December 2016.

<sup>34</sup> Frank Bloch and M.R.K. Prasad, *Institutionalizing a Social Justice Mission for Clinical Legal Education: Cross-National Currents from India and the United States*, 13 *Clinical L. Rev.* 165 (2006).

<sup>35</sup> Iqbal S.I & Frank S.B, *Legal Aid, Public Service and Clinical Legal Education: Future directions from India and the United States*, *Michigan Journal of International law*, Vol. 12, Issue I (1990).

they become full-fledged lawyers and enter the courtroom on their own.<sup>36</sup> It was further reiterated in many interviews that allowing students to practise will instill confidence in them and in their future profession.

However, some others argue that the student practice rule will be not be effective, and moreover, that it will not necessarily take clinical legal education forward by any leaps and bounds. Justice Inderjeet Singh, Junior Civil Judge, JMJC Patiala, is of the opinion that it is not practically feasible to allow students to practice because without completing their degree they will have little or literally no know-how about procedural law. These experts argue that other methods of non-litigation-based CLE methods, such as the live client model, or the advocacy model, are effective enough to impart CLE in India, and that one does not necessarily have to resort to client courtroom representation to gain effective practical skills. For instance some advocates and judges pointed out that students can play the role to escalate the issues rather than simply focusing on representing clients in courts. There is great learning in say, community-centric legal awareness programmes, rights education, para-legal support work, mediation and arbitration based clinical work and rights advocacy.

**2.2.6 Policy on Faculty Practice**

The primary question here is whether the introduction of the faculty practice rule will help, or hinder, the implementation of CLE. As has been found throughout this report, the response to this question is mixed. There are those who believe that the two cannot be separated from each other and legal education can be most effective when practising lawyers are allowed to teach in legal institutions as they directly face various issues and handle them.

Exponents of the faculty practice rule reflect that one of the primary reasons for ineffective education is the lack of practical exposure and real-life experience among faculty members, especially the younger faculty.<sup>37</sup> They argue that if faculty members are allowed to practice in courts, they will be far more exposed to the realities of the law, which they can then bring into the classroom.<sup>38</sup>

<sup>36</sup> A. Mandhani, *Day 1: Right to Practice Law is a Fundamental Right and AIBE "Negates" The Very Right: SC*, LIVE LAW(Mar 1, 2016); <http://www.livelaw.in/right-to-practice-law-is-a-fundamental-right-and-aibe-negates-the-very-right-sc/><http://www.livelaw.in/right-to-practice-law-is-a-fundamental-right-and-aibe-negates-the-very-right-sc/>, last visited on 10 December 2016.

<sup>37</sup> Interview with Dr. Anirban Chkraborty, Professor of Law, WBNUJS, Kolkata.

<sup>38</sup> Iqbal S.I & Frank S.B, *Legal Aid, Public Service and Clinical Legal Education: Future directions from India and the United States*, Michigan Journal of International law, Vol. 12, Issue I (1990).



Those who do not support implementation of this rule argue that today, in India, faculty motivation and the drive to impart clinical legal education is already low, as their salaries are low. Since this is the case in most colleges, if the faculty practice rule is implemented, then faculty may start practising in court and attend colleges even less than they already do.<sup>39</sup>

In response to this, the proponents of the faculty practice rule suggest that there can be selective enactment of this rule, such as restrictions on what kinds of cases faculty members can take up, say only pro bono matters, or a limit on the number of cases they can work on at a given time, or in a given year.<sup>40</sup> The restriction could also apply to certain areas of law, only cases in which they can represent clients in the court of law. Their argument is that the benefits of faculty practicing in a court of law far outweigh the potential for misuse of this rule.<sup>41</sup>

### **2.3 Emerging Models and Trends of Law Clinics in India**

The Indian Model, if it can be called as such, is very different from a Law Clinic in the Western World where the focus is on small groups, low student-teacher ratio and actual cases in court seeing students presenting in court with the teachers' involvement. It is a high budget program focusing on both student learning and access to justice.

In India, the focus is on practical training and on service delivery especially for poor litigants and with no infusion of generous funding. As the focus is not always on it being a part of the curriculum, Student Led Clinics/ Legal Aid Centres are also seen as being part of CLE.

In pursuance of fulfilling the mandatory requirement by the Bar Council of India of providing four clinical courses, different colleges take different routes and models. The most common is the classroom simulation model, and drafting exercises in tests and examinations. Although these are supposed to be mandatory, often it is only in name. Some colleges offer Optional Courses on credit and some have a Mandatory Moot Court Component in some or all the law subjects as a component of evaluation.

In some universities, optional clinical courses are offered without credit, and these are mostly driven by individual faculty's interests. In some cases, Research Centres in law colleges drive clinical research and engage the students in such clinical activities.

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<sup>39</sup> Based on Interviews.

<sup>40</sup> Based on Interviews.

<sup>41</sup> Interview with Dr. Anirban Chkraborty, Professor of Law, WBNUJS, Kolkata.



Law Clinics can be categorized into in-house and off-campus depending upon the location and the working of the law clinics. Clinics can also be classified as general clinics, which are engaged in all subjects related to legal aid, and specialised clinics, such as the prisons clinic, criminal law clinic, gender rights clinic etc. They can also be classified into Student-driven or Faculty-driven depending upon if the clinic is largely driven by students or by faculty.

**2.3.1 General Legal Aid Clinics**

General clinics are those that engage in all subjects related to legal aid. Legal aid clinics, which is now a mandatory requirement as discussed above, is the most common route for driving clinical activity in the human rights sphere. These are mostly student-run-faculty-assisted clinics where the clinics are primarily driven by students with the assistance and support of faculty members. Most of the Legal Aid Clinics are set up with the primary objective of providing legal aid or creating awareness and undertake various activities for the same.

The following are some of the kinds of activities undertaken by the Legal Aid Clinics of various Colleges across India

**2.3.1.1 Legal Aid Services:**

The primary objective of most Legal Aid Clinics is to provide legal aid services. Most of these are open to the public and work with the assistance of a faculty or a hired lawyer.

Legal Aid Cells at certain colleges, like NALSAR, ILS Pune, TISS Mumbai, NUSRL Ranchi etc. are kept open to the public on specific days and it is announced and publicised to the public to make them aware about the timings of the cell and various methods are adopted for the same. They aim to offer free legal services to the public.

The Legal Services Committee of the Gujarat National Law University, Gandhinagar, for instance, functions as a 'community legal clinic' and focuses on, inter alia, the deprivation of government benefits, eviction and issues of domestic violence. The in-house Legal Aid Clinic, ILNU provides free legal aid to needy persons of the society. At the Clinic, advice and counselling is given to any person who approaches on any legal issues like Consumer Law, Criminal Law, Matrimonial and family related issues, Service / Pension Rights, Property Rights, Environmental issues, Human Rights, Intellectual Property Rights, Child and Women Rights, Cyber Law, Labour issues and Civil matters through an expert team consisting of

faculty members and students of the respective subject through their centres. The Clinic also assists the indigent in drafting pleadings, applications, petitions, wills etc.

### **2.3.1.2 Legal Awareness/Literacy Drives:**

Legal Awareness Drives are conducted by colleges to create awareness about contemporary issues. The LSCs of various colleges work on spreading free legal awareness. The Legal Services Committee of GNLU, continuing its trend of free legal awareness, has proposed to address the following topics; Fundamental Rights under the Indian Constitution; FIR: Essentials and Procedures; Rape: Provisions and Remedies; Legal provisions relating to Domestic Violence in India and Provisions of the Motor Vehicles Act 14, through a series of presentations. Also, a special team was constituted to create awareness on consumer rights. Legal Literacy Programmes are organised by the colleges to educate the masses regarding the basic level of law. Most of these programmes are conducted in rural areas, villages, etc to address the underprivileged or marginalized sections of the society. The Legal Services Clinic, NLSIU, Bangalore is known to regularly conduct Legal Literacy Programmes in Bangalore and nearby villages. The Centre for Women and the Law, NLSIU has been conducting legal literacy classes at St. Joseph's College for past twenty years. The Legal Aid Cell of ILS PUNE also conducts Legal Literacy Camps in and around Pune, especially for slum areas, villages, labour organizations and women.

Frequently, workshops are organised as a part of Legal Awareness Drives. A good example would be the RTI and RTPS workshops organised by the Legal Aid Committee at Government Law College, Mumbai. In these workshops, basic law and practical law is also introduced.

These awareness camps are often on the topics of social and local relevance. For instance, the Legal Aid Clinic of Jindal Global Law School, Sonapat believes in building a rapport with the communities and attempts to understand their concerns. They adopt various methods to create awareness, for instance, organizing conferences, conclaves, intervention within their surroundings, theatre performances etc.

Certain colleges have also adopted creative ways to create awareness about locally relevant issues. The At TNNLS, a Short Film on sexual harassment at workplace is being developed



by the students and a film director to be shown in all theatres in Trichi and also to school and college students.

The Legal Aid Clinic, Jindal Global Law School, Sonipat regularly conducts various legal literacy camps in the nearby villages they have adopted. Villagers have been made to attend these camps with legal literacy materials being provided and meetings have been held with the Sarpanch of the village. They are also successfully organising legal literacy programmes collaborating with NGOs under their Labour Colony Project from the past few years.

Legal Aid Committee and Legal Aid Clinics of Institute of Law, Nirma University is another university known to conduct legal literacy programmes successfully. The Clinic has organised around ninety other Legal Awareness and Legal Literacy programmes, which were cumulatively attended by more than 15000 people of the society.

At VM Salgaonkar College of Law, Panaji, regular legal literacy programmes are conducted. Each cell of the College conducts a Legal Literacy programme in their district every year, inviting a subject matter expert to speak to the citizens on a topic that is of local relevance and interest. They decide upon the topic of relevance by conducting interviews and survey, and building relationships with the local people and the local administrators. The students of the college are expected to take up individual work on a particular field, say child abuse and work on creating legal literacy or awareness about the topic and make whatever contribution he or she can in doing so.

Legal Services Committee GNLU, Gandhinagar and JSS College Mysore also conduct legal literacy programmes in nearby villages.

**2.3.1.3 Collaboration with NGOs**

Collaborations with NGOs are especially beneficial when it comes to achieving a common goal. For instance the Legal Awareness Cell of GLC, Mumbai has collaborated in the past with Sneha and CRY, both NGOs in creating awareness through dramatic street plays on domestic violence and education respectively. Symbiosis Law School, Pune has done notable work collaborating with the NGO Saheli which works for commercial sex workers in Pune in the initiation of Legal Empowerment Programme.

NALSAR, Hyderabad has associated with NGOs involved in the areas of ecological urban development, fighting corruption in consumer forums and child rights. The cell has also organised health camps with the support of the Aarogyasri Trust, an NGO in the healthcare sector. These camps also witnessed the participation of five private hospitals registered under the Aarogyasri Scheme along with the local Primary Healthcare Centre (PHC). Such legal aid exercises brought the team close not only to the government authorities but also to the people of the village.

The LSC of National Law School, Bangalore has undertaken the Prisons project with the Human Rights Law Network. This project involved information and fact gathering, drafting, representation of the prisoners as clients. Representation is done by a pro bono lawyer. HRLN has agreed to give a dedicated pro bono lawyer paid for by HRLN for the LSC specifically for the prisons project. They have come out with a access to justice publication, a blog and a conference for access to justice on legal aid clinics.

#### **2.3.1.4 Collaboration with Other Organisations/Associations**

Colleges often collaborate with organisations in their ventures for their expertise. The LSC of NLSIU, Bangalore is currently working with Manthan Law, a firm, on the Construction Workers Project - The LSC has identified that the Labour Welfare Board has funds but has not identified areas where they could be put to use. The LSC intends to conduct area surveys and report on migrant labour issues, identifying potential areas where government investments can be made. This also includes enrolling migrant kids in schools, submitting applications to the RTE Authority, and surveying homes in slums.

The LSC of GNLU also has collaborated with various associations including Blind People's Association and worked on disability rights and has come out with two books on disability rights. It has worked with Kalam Foundation and has set up their first free library in Koba (with 350 books) and they aim to set up 5 libraries by April 2017. LSC visits these libraries twice a week to monitor them.

#### **2.3.1.5 Collaboration with NALSA, SLSA AND DLSA**

The NALSA and SLSAs have an active interest in promoting legal aid and colleges have collaborated with them for aid of various kinds. For instance, the Legal Aid Clinics, NLUO,



Cuttack with DSLA and the SLSA's support has set up village legal aid centres at Bhuwaneshwar district, near Puri and one in a tribal area. The Government has also given them space in the Panchayat building and hired three full-time advocates. The DSLA has also assisted Tamil Nadu National Law School by appointing an advocate on a monthly basis to head the legal aid cell of the college.

At NLSIU, Bangalore, there is greater incentive to perform clinical activities for both institutions, since NLSIU signed an MoU with KLSA. This will be dealt with in detail later in the report.

### **2.3.1.6 Filing Public Interest Litigations & Right to Information**

The Legal aid cells of colleges often take up advocacy through filing PILs and RTIs. One such college that is ILS Pune where students filed Public Interest Litigations and Writ Petitions in the High Court of Bombay on issues such as Rights of Disabled Persons, Rights of Workers of the Film & Television Institute of India, Pune etc. Students were involved in every stage of the case. They gathered information, collected evidence and prepared documentation, assisted the advocates on the panel in research and drafting. The LSC of GNLU has filed RTIs regarding the practice of witchcraft in the nearby villages based on the information provided to it by letters from villagers. The students of VM Salgaonkar College of Law, as part their clinical work, have filed and successfully won eighteen PILS in the last few years.

### **2.3.1.7 Working in Rural Areas**

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

Various other colleges have also done the same and have attempted to directly address the problems of the villages. For instance, the students of Tamil Nadu National Law School on finding out that two nearby villages had no proper water supply and faced water contamination issues, tried to resolve it.

### **2.3.1.8 Alternate Dispute Resolution**

The Legal Aid Cells of certain colleges also resolve issues through mediation or negotiation. At ILNU, by means of legal mediation and counselling camps that were driven equally by students and the faculty members, resulting in negotiations and settlement among disputing parties in the village, has successfully made Kherana Village a Litigation-free village. Some colleges also have specialised clinics for ADR.

### **2.3.1.9 Collaboration with Miscellaneous Organisations, Movements and Research Centres**

- The Environmental Law Clinic and the Consumer Rights clinic at NLSIU, Bangalore, has connections that the faculty in-charge has built over time, and so, the clinic is able to get projects of national importance for the students to do clinical work on (research, drafting, policy advocacy). The Consumer Rights Clinic students engage heavily in field research and consumer trial advocacy. They research and create draft legislations, take large corporations to trial on questions of misrepresentation, and exploitative pricing etc. Their recommendations are then submitted by the faculty-in-charge to the State Commission and National Commissions. This is extremely motivating for the students to engage in more clinical work, as they see the results of their work first hand.
- The NUJS, Kolkata, where the faculty is expanding the ambit of the legal aid clinic by linking it with the Digital India movement, so that citizens from various villages, far and wide, can now contact the students and faculty for legal aid and advice.
- NLU-Delhi partners extensively with different Civil Society organisations and NGOs. However, most of the linkages are driven officially through the various Centres and faculty-driven clinics such as the Centre for Constitutional Law, Policy and Governance. The professors heading the Centre are involved in creating collaborations with prominent NGOs and state authorities such as Daksh, Lawyers



Collective Women's' Rights Initiative, Human Rights Law Network and Delhi High Court Legal Services Committee, which the students also become involved with.

**2.3.1.10 Collaboration with Law Schools/Universities**

A notable collaboration is ILAAN- Indian Legal Aid and Awareness Network, NLSIU and NLU-Delhi's collaboration. An aim of the Legal Aid Society at WBNUJS, Kolkata being to spread legal awareness among students and people at large, the students further their cause by playing an active role in the Coordinating Committee for Intra-State Networking of Law Schools, a program conceptualized by them, for law colleges in and around West Bengal. This program presently has members from thirteen law colleges across the State.

Further, pursuant to a programme launched in 2008, called the Intra-State Networking of Law Colleges in West Bengal, that saw participation from thirteen different law colleges across the state of West Bengal, the Legal Aid Society has been instrumental in establishment of Legal Aid Clinic in North Eastern Hill University (NEHU) Department of Law to Shillong, Meghalaya. The NUJS Legal Aid Society conducted a two day workshop for the students about the concept of legal aid and how to start and manage a Legal Aid clinic.

The NUJS Legal Aid Society organised the First National Conference on Legal Aid which was held from 18th-20th February 2011. The event saw participation from 24 law schools and colleges from 16 states of the country with more than 96 participants attending the conference. The objective of this conference was to identify and develop the role that Law School clinics play in providing legal aid services."

Another significant collaboration is the RTE resource centre set up by LSC of GNLU in collaboration with IIM-Ahmadabad for the implementation of Section 12 of the Right to Education Act, 2005. Their team carried out internal surveys in schools across Gandhinagar District to assess education levels and implementation of the provisions of the Act.

**2.3.2 Specialised Legal Aid Clinics**

Some faculty members independently take on clinical activities with the students. Specialised clinics, such as the prisons clinic, criminal law clinic, gender rights clinic etc tend to be Faculty driven clinics. Law Reform and Policy Advocacy (Research-driven) clinics is one of the models of faculty-driven clinics, the Environmental Law Clinic and Consumer Clinic at NLSIU, the Death Penalty Clinic at NLU-Delhi etc.

The Specialised Clinics in our study include-

### **2.3.2.1 Environmental Law Clinic, NLSIU, Bangalore**

It is virtual clinic, involving a network of persons involved in the implementation of environmental law and practice. Its main purposes are to build capacity in the Environmental law field among the administrators, adjudicators, activists and the academics to ensure environmental justice. The Clinic takes up the work of the Centre for Environmental Education, Research and Advocacy (CEERA), which involves training law teachers, judges, lawyers and policy makers. It is primarily driven by the faculty members who chair and run the centre.

The Clinic is involved in advising lawyers, policy intervention, conflict resolution, talk with administrative agencies, facilitating dialogues and negotiations between the aggrieved parties and the governing authorities, and among multiple stakeholders; help in PIL formulations, and helping the government frame policies.

On agricultural pricing in Karnataka, the Commission's policy recommendations on "just price" for produce was being related to farmer suicides and debt traps. With 12 students involved, the clinic responded to this issue and submitted an alternative policy document for consideration. This is a typical model of an Advocacy Clinic, and functions primarily because of the extensive network and contacts of the Chair.

### **2.3.2.2 Consumer Law Clinic, NLSIU, Bangalore**

The Chair on Consumer Law and Practice undertakes a great deal of clinical activities and constantly engages students to work on consumer rights research and client representation. In the case Aditya Banavar and others Vs. M/s Pepsi Co. Indian Holdings Pvt., Ltd and others, five students (now Advocates) filed a complaint in the Consumer Forum against Pepsi for unfair trade practices. The students themselves argued the case before Bangalore District Consumer Forum and won it. Then Pepsi filed an appeal before Karnataka State Commission which is pending since 18 months, even though COPRA says the case has to be disposed off within 3 months.

Challenging the claims made by large companies in advertisements for cosmetic products, students tested these products on themselves and when they found that these were misleading



advertisements, and the products don't work as promised, they sent the companies legal notices. When proper responses were not given, the students filed six cases in their personal capacity as consumers, before the Karnataka State Commission and Bangalore District Forums for justice. One complaint has been filed before the Advertisement Standard Council of India (ASCI) to test whether it works effectively for consumers or not. So far no response from the ASCI has been received.

Based on the empirical research that students undertook on implementation of the Consumer Protection Act, 1986 in Karnataka State, five students have filed a Public Interest Litigation before the Karnataka High Court. Further, students have been involved in drafting the Consumer Protection Bill, wherein many of their suggestions were implemented into the Bill's final draft. Students also analyse large consumer complaints and submit reports regularly to the Ministry of Consumer Affairs, GOI.

**2.3.2.3 Centre on the Death Penalty, NLU-Delhi**

The Death Penalty Research Project is being carried out by National Law University, Delhi in collaboration with the National Legal Services Authority (NALSA). The project, spearheaded by two faculty members comprises over fifty researchers and seeks to achieve a deeper understanding of how the socioeconomic background of prisoners influences their access to the criminal justice system, and how the system itself impoverishes those who seek access to it. The clinical work involves interviews with the prisoners, their families and their trial court lawyers. The project also entails analyzing judgments so as to ascertain whether judicial practices reflect the change in legal philosophy on sentencing.

**2.4 Centre for Constitutional Law, Policy and Governance, NLU-Delhi**

The Centre has worked on various prison projects, primarily on the issue of Section 436A of the Code of Criminal Procedure. The work on Section 436A began before the judgment of the Supreme Court in Bhim Singh v. Union of India (this leg of the project was in collaboration with Amnesty International, India). After the Supreme Court's judgment in Bhim Singh, the Centre assisted Tihar prison authorities in screening and identifying under trial prisoners eligible for release under Section 436A. The Centre continues to work in prisons on issues relating to excessive pre- and under- trial detention.

CLPG is collaborating with the Delhi High Court Legal Services Committee to work on a project which involves studying under trial incarceration in Delhi, preparing periodic reports

on the status of each case, documenting the causes of delay (if any), compliance with guidelines and laws, and availability of bail for the person.

CLPG and Daksh are collaborating on analysis of the data available with Daksh, as well as other publicly available data on the Indian judiciary. CLPG and Daksh will provide data-driven inputs into debates and discourses around judicial reform in India.

The Lawyers Collective Womens' Rights Initiative and the Centre for Constitutional Law Policy and Governance are collaborating on an empirical study analyzing the working of the Protection of Women from Domestic Violence Act, 2006. The project involves an analysis of orders passed under the Act, by courts across the country. The Centre is also collaborating with Human Rights Law Network to revise and update HRLN's Prisoners' Rights Manual. These manuals provide ready reference material for lawyers and civil society organizations working on the issue of prisoners' rights.

Students are involved in all parts of this process. However, the entire initiative of the centre is heavily faculty-driven and faculty-dependent. Further, only few students become involved in each project.

#### **2.3.2.5 Child Rights Clinic, VM Salgaonkar College of Law, Goa**

Started in December 2015, in collaboration with the Victim Assistance Unit and the NGO Stop Child Abuse Now, this specialised clinic has seen recent success. Working under the guidance of a senior faculty member, a student of any year can participate. Membership to the clinic is optional, but limited to 30 students. The students work directly in the Goa's Children's Court (which was established pursuant to the successful PIL filed by the students of VM Salgaonkar College of Law), and the Juvenile Justice Board (JJB). The volunteer students brief the victims and child witnesses, maintaining the division between accused and the child victim, help the public prosecutor with case law etc. The court functions four days a week and two members go on each day. Each student gets to visit the Children's Court/JJB twice a month. Students learn the very practical aspects of the law, such as ensuring sensitivity with which medical examination of children is carried out, whether proper investigation is done by police of children etc. They take up matters that come to their notice, such as corporal punishment and child abuse, and when the abuse does not stop after notice, they escalate the matters to the court.



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The students are also involved in policy analysis, such as an analysis of New Juvenile Justice Act, 2015 and undertake policy advocacy at the grassroots level, such as while assisting the administrative department of the JJB on, say, continuously monitoring the juveniles. They work closely with the National Institute of Open Schooling. The students also constantly undergo trainings and workshops, and are trained by the Principal Magistrate on how to assist the court. They also work with organisations such as the Hertz Foundation on how to work with witnesses.

#### **2.3.2.6 Consumer Clinic, VM Salgaonkar College of Law, Goa**

The clinic files cases suo moto and also represents clients on matters such as uniformity of pricing of products, safety of firecracker sale, and to have menu card inclusive of taxes. The Consumer Council and the State Consumer Forum also refer cases to the Clinic.

The Mapusa Legal Aid Cell in collaboration with Consumer Clinic has worked on several cases as well. The students work systematically with clear division of responsibilities and work.

The Clinic also has a *Publicity and Awareness Wing*, that popularises the work of the clinic, and reaches school students and the public at large.

#### **2.3.2.7 Prison Rights Clinics, VM Salgaonkar College of Law, Goa**

Headed by a senior faculty member, this Clinic was given a mandate by the Prisons Authority to examine which prisoners are eligible for a remittance of their sentence. The student devised a research methodology after research, meticulously analyzed the thirty seven files handed to them, conducted interviews of the prisoners, their families, the families of the victim, and the inmates of the jail. Before undertaking this, consent forms were required to be filled by the interviewees. Questionnaires were prepared by faculty members after research, and training was given to the students. After the interviews, an analysis of the entire project was done and the report was submitted to the Authorities.

#### **2.3.3. Hybrid Clinics**

India has also seen the emergence of hybrid clinics run in partnership with foreign law schools, such as the Jindal-Cornell Citizen Participation Clinic. This was a joint project

between Citizen Participation Clinic at Jindal Global Law School and the International Human Rights Clinic at Cornell. A Joint Report, entitled, "Promoting Clinical Legal Education in India: A Case Study of Citizen Participation Clinic," was prepared by JGLS and Cornell.

The Citizen Participation Clinic is a semester-long, for-credit course at JGLS taught by a faculty member, in which law students participate in classroom-based weekly seminars, attend weekly *sabhas* with community members, and work on projects with individual community members. The Citizen Participation Clinic is a course for approximately fifteen students taught each semester by a faculty incharge. In addition to the students who enroll in the class and receive academic credit, many students volunteer for the Clinic and work without any credit.

Community members attend *sabhas* that are conducted by the faculty member in a location near the communities. The faculty member asks the people attending the meeting to discuss their concerns and the challenges that they face in everyday life. Thereafter, he works with the community to develop strategies that community members can employ to address those concerns and challenges. Students work on supporting the community members by drafting petitions, Right to Information Act requests, and legal literacy materials. The Citizen Participation Clinic works in collaboration with community-based non-governmental organizations. Typically, the organizations that the Clinic partners with have strong ties to the communities in which they work. The organizations are able to inform the communities about the Citizen Participation Clinic and provide ongoing support to the communities.

Through community *sabhas*, and with the support of the faculty member and his students, community members drafted a letter to the Chief Justice of the High Court of Haryana, seeking relief without taking the conventional route of filing a petition with the help of a lawyer. The High Court acted on this letter by asking various state authorities to answer the issues it raised. The High Court's action on the letter has been reported in regional newspapers, bringing hope, confidence, and motivation to the community. The Clinic plans to advocate for the judiciary to respond to such letters from communities as a norm. This will ensure that the process of seeking relief from courts becomes easier and more people-friendly. It will also help in making law and its processes inclusive. This is one way in which the Clinic strives to promote judicial reforms and access to justice." In addition to this, the



clinic has worked on Right and Access to food as a human right, Empowering women and communities, and building and maintaining trust with the communities.

**2.3.4. Off Campus Legal Aid Clinics**

**2.3.4.1 Village Adoption Model**

In some cases, law clinics have adopted entire villages, known as the Village Adoption Model.

The LSC of GNLU had carried out surveys in four nearby villages of Shahpur, Koba, Raisan and Kudasan to assess economic conditions and legal literacy. Free Legal Aid Cells have been set-up in all four villages where student members, on a regular basis addressed grievances of people. There has been an overwhelming response from the villagers who turn up seeking legal remedies on contractual, land and domestic disputes. The free legal aid clinic regularly sees 10-12 clients every month. They also enjoy the support of local leaders, such as in Koba, where the Sarpanch is a lawyer and the people trust the local lawyers who are involved with the activities of Cell.

Jindal Global Law School has done the same by the adopting five villages around the campus. Each village has a group of five to six students with a group leader. The issues being dealt with are the right to food, right to health, right to education, sanitation, employment etc. Students write letters to various government departments, villagers to attend legal literacy camps with legal literacy materials being provided and meetings have been held with the Sarpanch of the village. The Clinic is now expanding the activities within the village as well.

**2.3.4.2 Prison Clinics**

Law Colleges like TNNLS, GLC Mumbai, Symbiosis Pune, NLUO, NALSAR etc conduct prison visits for the students and attempt to learn about the condition of the prisons and understand their situations. However they do not have off campus prison clinics.

A good example of an off campus prison clinic is the Permanent Legal Aid Clinic in under-trial unit of Sabarmati Central Jail, Ahmedabad established by *Institute of Law, Nirma University (ILNU)* in collaboration with the Gujarat State Legal Services Authority and the Inspector General of Prisons, Gujarat, It is one of the first of its kind, and provides free legal

aid and advice to the inmates according to their need, within the premises of Sabarmati Central Jail, Ahmedabad. Through this clinic, the Legal Aid Committee has counselled 2078 undertrial prisoners and assisted three hundred and twenty four inmates in getting a free advocate through Gujarat Legal Service Authorities. The uniqueness of this initiative is that sixty-one people got benefited by filing their appeal and de facto bail, and claiming juvenility in cases of its applicability after the *Dayaram (2009) case*.<sup>42</sup>

Further, the Clinics have organised seven mega awareness programmes in Sabarmati Central Jail Ahmedabad where the students have performed skits and drama on various rights of inmates.

The organisation of both the clinics is under the Legal Aid Committee that consists of the Director, ILNU, five faculty coordinators and the Student Chairperson. Different student members are part of the two different clinics, and students take turns in visiting the prison clinics every week; and in manning the in-house clinic. While the entry into Sabarmati Central Jail was to a great extent faculty-driven, initially now, the students have taken over the entire running and functioning of all the clinics. The process has been institutionalised and there is a great drive among students to participate in the activities of the clinics.

Certain colleges also undertake projects pertaining to prisons. The prisons legal aid project called 'Shadhinota', by the West Bengal National University of Juridical Sciences is one such project. It aims to build a bridge between the inmates in need of legal help and legal aid lawyers who are mandated by the Legal Service Authorities Act, 1987 to render effective legal aid. The activities included holding of an initial Legal Aid Camp in the Presidency Central Correctional Home and organizing a weekly Legal Aid Clinic. The services offered in these Clinics include legal advice & counselling, and updates on the progress of the case of the concerned inmates, information regarding bail, appeal and other related information. Such projects are also undertaken by other colleges as well.

### **2.3.5. Mandatory Clinical Courses and Elective Clinics**

Part II (B) of the Bar Council Rules of Education states that four Compulsory *Clinical* Courses shall be offered:

*1. Drafting, Pleading and Conveyance: The course will be taught class instructions and simulation exercises.*

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<sup>42</sup> *Dayaram vs Sudhir Batham & Ors* on 11 October, 2011, 1965 AIR 1049, 1965 SCR (1) 231



*preferably with assistance of practising lawyers/retired judges.*

**2. Professional Ethics & Professional Accounting system:** *Examination rules of the University shall include assessment through case-study, viva, and periodical problem solution besides the written tests.*

**3. Alternate Dispute Resolution:** *The course is required to be conducted by senior legal practitioners through simulation and case studies. Evaluation may also be conducted in practical exercises at least for a significant part of evaluation.*

**4. Moot court exercise and Internship<sup>43</sup>**

The moot question is whether the four mandatory clinical papers are clinical in practice. These courses are implemented in a few different ways by different law schools and colleges. The Classroom simulation exercise model is the most commonly found. Here, students are presented with a simulated problem, that they are expected to work on using simulated mediation, negotiation etc, in the ADR course.

Currently, students admitted for the B.A., L.L.B. (Hons.) are now required to complete 16 credits in clinical courses. The Mandatory clinical courses included Arbitration, Mediation and conciliation Advocates Act and Professional ethics and eight other elective clinical programmes.

Although there are a few law colleges and universities that are serious about implementing at least four of the mandatory clinical courses (as mandated by the Bar Council of India), clinical legal education implemented through this means remains highly limited and nascent in most cases. In most law colleges and universities, these courses are still taught only in a theoretical way, with some simulation exercises in the classroom used at best. Moot court is not yet introduced mandatorily in all colleges, and only a niche few participate in national

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<sup>43</sup>Relevant part of the rule extracted here by the author.

and international moot court competitions.<sup>44</sup> Further, the internship requirement is not adequately supervised by the law colleges.<sup>45</sup> Even the course on Drafting, Pleading and Conveyancing involves drafting in the classroom and involves no practical exposure whatsoever.

### **2.3.6. Other Models**

#### **2.3.6.1 Optional Clinics at NLU-Delhi**

In the fourth year, at NLU-Delhi, there are two clinical papers. The first is the Alternate Dispute Resolution clinic, which is mostly theory based, with simulation based exercises carrying 30marks. In the second semester, the students study Drafting, Pleading and Conveyance, this is not practical at all, but involves drafting in examination paper itself. Other than these, the students are expected to mandatorily choose two out of many optional clinical papers, such as from: Death Penalty Clinic, Consumer Clinic, IPR Clinic & Prison Advocacy Clinic

They each carry credits and are each run by a different faculty member, at their own initiative, or through an established Center at the University, such as the Centre for Death Penalty, the Centre for Criminology and Victimology, Centre for Transparency and Accountability in Governance, among others.

#### **2.3.6.2 Mandatory Court Room Exercises at NUSRL, Ranchi**

At NUSRL, Ranchi, there is a moot court component for credit for every law subject. Fifteen marks are awarded in each law subject for the Court Room Exercise (CRE). One week in the semester, called as Moot Week is held for the entire college, where all classes are suspended, the Court Room Exercise (CRE) for the four law subjects of the semester are held. Totally, in six days, four CREs are organised. Written submissions are to be given ten to twelve days before the orals. Thus, a clinical (simulation) component is ensured for each and every subject

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<sup>44</sup> B.A. Lasky and M.R.K. Prasad, *The Clinical Movement in South-East Asia and India: A Comparative Perspective and Lessons to be Learned*, in *THE GLOBAL CLINICAL MOVEMENT: EDUCATING LAWYERS FOR SOCIAL JUSTICE*, (Frank Bloch ed.), at 47.

<sup>45</sup>*Id.*



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## 2.4 Comparative Experiences of Human Rights Law Clinics around the World

### **2.4.1 South Africa**

Clinical Legal Education in South Africa predominantly flourished for two reasons. Firstly to assist the underprivileged section of society and secondly, to provide practical education for the students pursuing law. Law Clinics primarily worked as a medium for delivering social justice and this is primarily because of its origin in the apartheid era. During the apartheid era, there grew an acute need for legal aid and law clinics in South Africa emerged largely as a response to this unmet need for legal services<sup>46</sup>. South Africa presents a useful model to the United States and other developed countries in its development of a strong community-based paralegal program that creates greater access to justice.<sup>47</sup>

The landmark change in the South African context was the Ford foundation funded conference where all the law schools had participated.<sup>48</sup> By 1996, there were legal clinic at each of the twenty-one law schools in the country.<sup>49</sup> However, all of them are diverse in their functioning. Most of these colleges currently offer for-credit courses.

### **2.4.2 United States of America (USA)**

Legal Aid Program in its earliest phase in USA was directed towards helping the low-income population. The frequently utilised model during those days was the in house legal aid clinic.<sup>50</sup> This attitude was a result of courses such as law and poverty which were taught in many law schools and was regularly used a legal aid project topic.<sup>51</sup> The legal clinics in USA face similar problems as those in India. The legal aid clinics receive active support from bar associations; however, it is difficult to find funding for maintaining these clinics.<sup>52</sup> The fact that students are allowed to represent their clients in courts and lawyers are allowed to teach is what substantially differentiates CLE programs in USA from those of India.

Students receive assistance and are taught by trained practicing lawyers. In addition to this there has been a lot of talk and legislative moves in making pro bono service mandatory. For

<sup>46</sup> <http://www.up.ac.za/up-law-clinic-home-page/article/1822984/history-of-law-clinics-in-south-africa/>

<sup>47</sup> <https://pdfs.semanticscholar.org/7f9d/36e9b9ab4d64956c0186a09ff21a2698b0db.pdf>

<sup>48</sup> Plessis M.D, Clinical Legal Education Models: Recommended Assessment Regimes, Recommended Assessment Regimes, 18 Potchefstroom Elec., L.J. (2015)

<sup>49</sup> Maisel Peggy. "Expanding and Sustaining Clinical Legal Education in Developing Countries: What We Can Learn From South Africa" Fordham International Law Journal Volume 30, Issue 2 (2006)

<sup>50</sup> E. Winkler, supra note 1, at 7.

<sup>51</sup> Iqbal S.I & Frank S.B, Legal Aid, Public Service and Clinical Legal Education: Future directions from India and the United States, Michigan Journal of International law, Vol. 12, Issue 1 (1990).

<sup>52</sup> Debora G., Mandatory Pro Bono: The Shape of Things to Come?, ABA Journal, Vol. 7, No. 14 (1987).

instance, in Oregon State a Bill was proposed which required all lawyers as well as other professionals in law to donate a specific number of hours to provide legal assistance to the poor and needy.<sup>53</sup> Even though the Bill was not passed, it nevertheless, shows that the legislature is interested in issues concerning CLE. Further, practicing lawyers have often raised their concerns regarding the lack of practical training in law schools.<sup>54</sup> As far as students are concerned, their interest in CLE related work is primarily motivated for gaining practical skills and also by the fact that all CLE courses have specific credits that are dedicated to these courses.<sup>55</sup> In addition to this, there exists no strict compartmentalisation of CLE courses and other law courses and it is taught as a part of multiple other courses.<sup>56</sup>

### 2.4.3 Middle East

In the Middle East and North Africa, in particular, clinical legal education remains at the infancy stage.<sup>57</sup> Clinical legal education exists in the Arab world, although it is not widespread.<sup>58</sup> In Palestine, Hebron University Clinic undertakes a fair amount of clinical work.<sup>59</sup> Several other clinics have been established in the last few years in several countries in the Middle East such as Lebanon, Morocco and Iran. Like in Jordan, other nations in the region are just beginning their efforts to bring clinical legal education to local law schools. In addition to the clinics mentioned here, workshops on clinical education have been held in numerous Middle Eastern countries including Iran.<sup>60</sup>

An example of one of the more established clinics in the Middle East is at La Sagesse University in Lebanon, which has been running a human rights clinic since 2007. The clinic started with the support of the ABA-ROLI.<sup>61</sup> Although initially met with scepticism, the program is now broadly supported. Students at La Sagesse complete a human rights course prior to enrolment in the clinic. Once in the clinic, students are placed in externships with a

<sup>53</sup> *Ibid.*

<sup>54</sup> Carnegie Foundation for the Advancement of Teaching, available at <https://www.carnegiefoundation.org>, last visited on December 10, 2016.

<sup>55</sup> S. Ellmann, I. Gunning, and R. Hertz, "Why Not a Clinical Lawyer-Journal?" 1 *Clinical L. Rev.* [iii] (1995).

<sup>56</sup> Sital K., Promoting Clinical Legal Education Democracy in India, *NUJS L. Rev.*, Vol 8 (2015).

<sup>57</sup> Haider Ala Hamoudi, *Toward a Rule of Law Society in Iraq: Introducing Clinical Legal Education into Iraqi Law Schools*, 23 *Berkeley J. Int'l Law*, 112 (2005).

<sup>58</sup> Neta Ziv, *Lawyers Talking Rights and Clients Breaking Rules: Between Legal Positivism and Distributive Justice in Israeli Poverty Lawyering*, 11 *CLINICAL. REV.* 209, 213-14 (2004)

<sup>59</sup> Mutaz M. Qafisheh, *The Role Of Legal Clinics in Leading Legal Education: A Model From The Middle East*, 22 *Legal Educ. Rev.* 177 (2012).

<sup>60</sup> IBA Human Rights Institute, Iran, International Bar Association, available at <http://www.ibanet.org/Human-Rights-Institute/Work-by-regions/Middle-East/Iran.aspx>

<sup>61</sup> Thomas, Kimberly A., N. Mahasneh, *Learning From the Unique and Common Challenges: Clinical Legal Education in Jordan* co-author. *Berkeley J. Middle E. & Islamic L.* 5 23 (2012): 1-38.



non-governmental organization or another group that addresses or researches human rights issues.<sup>62</sup>

Another example of a well-established clinic in the Middle East is at the Mofid University in Iran, which was established in 2007.<sup>63</sup> This clinic was established to fulfil two objectives; firstly to empower socially disadvantaged individuals; secondly, helping law students acquire legal skills.<sup>64</sup>

#### 2.4.4 South East Asia

Clinics in South East Asia are often brought under 'community service' or pro-bono or community engagement. Their worth lies in their linkage to the academic programs, experiential learning, practitioner supervision, service to poor clientele, wide acceptance and prestige, learner-centric trend, preparing for legal practice and opportunity to advanced learning. Besides CLE, the law students are engaged in public service through internship with human rights NGOs specifically those providing legal services to people. Law students may also work with people's organizations or community-based organizations. However, these practices face resistance by traditionalists both inside and outside the legal fraternity. Approaches and models of legal education in Thailand, Singapore, Japan, China, Indonesia, Philippines and Malaysia show the above mentioned traits.<sup>65</sup>

The traditional Chinese legal education ignores students' vocational skill training and building of a sense of professional responsibility. The traditional legal education does not pay attention to the social service functions of the law and is almost totally detached from legal aid. Presently, China is on the path of reforming its legal education. The Modern Legal education involves both academic development as well as practical training. The new methods of teaching involve lectures, case method, moot court, discussion, dialogue, intuitive, audio-visual teaching and clinical legal education.<sup>66</sup> American lawyers, lately are assisting their Chinese counterparts by introducing innovative methodologies that aid in teaching. The present scenario, with the expansion of NGOs has given an opportunity for the

<sup>62</sup>Id.

<sup>63</sup> Mohammad M.Meghdadi& Ahmad E.Nasab, *The Role Of Legal Clinics of Law Schools In Human Rights Education*, 15 Procedia - Social and Behavioral Sciences, 3015 (2011): 3014-3017.

<sup>64</sup>For more, see <https://www.facebook.com/pg/Mofid-University-Legal-Clinic-%DA%A9%D9%84%DB%8C%D9%86%DB%8C%DA%A9-%D8%AD%D9%82%D9%88%D9%82%DB%8C-%D8%AF%D8%A7%D9%86%D8%B4%DA%AF%D8%A7%D9%87-%D9%85%D9%81%DB%8C%D8%AF-257187201013915/about/>

<sup>65</sup>Shashikala Gurpur, Rupal Rautdesai, *Revisiting Legal education for Human Development: Best Practices in South Asia*, Procedia - Social and Behavioral Sciences 157 ( 2014 ) 254 – 265, at 256.

<sup>66</sup>Id.

ordinary citizens to be a part of the social sphere that was earlier dominated by the State. However, the Chinese law clinics have limitations. The primary one being the strict governmental control and the lack of administrative support<sup>67</sup>

The teaching methods in Malaysia include the lecture method, tutorials, case method, Socratic method, seminar method and discussion method. Mock trials and moots are well established in most law schools in Malaysia. Client Counselling competitions have now come to Malaysia. All law faculties arrange attachments of students with law firms or legal aid clinics during the semester holidays. In Malaysia there is also a requirement to do pupillage in a law firm under a senior lawyer before a person is called to the Bar, and several Continuing Legal Education programmes are conducted by the Universities and the Bar Council.<sup>68</sup>

#### **2.4.5 Networks and Collaborative Support**

Bridges across Borders Southeast Asia Community Legal Education Initiative (BABSEACLE) collaborates globally in the development of justice education and access to justice initiatives while simultaneously fostering generations of pro bono minded champions. BABSEACLE's mission is to help establish, strengthen and support Access to Justice and Rule of Law in Asia and globally through justice education, including a core focus on legal ethics, professional responsibility and pro bono awareness raising. This is achieved through primary focus on university-based and community-based justice education initiatives such as Clinical Legal Education (CLE) programs. Through Clinical Legal Education (CLE) programs, they intend to improve access to justice across Asia by educating the pro bono champions of tomorrow as they serve the legal needs of marginalized communities today.<sup>69</sup> BABSEACLE works collaboratively with universities, law faculties and organizational partners to develop and strengthen university-based Clinical Legal Education and Community Empowerment Programs throughout Asia. It currently helps to develop and support Clinical Legal Education (CLE) programs throughout Asia including Cambodia, China, Indonesia, Laos, Malaysia, Mongolia, Myanmar, Singapore, Thailand, Vietnam, the Philippines and Nepal.<sup>70</sup>

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<sup>67</sup>Phan, Pamela N. Clinical Legal Education in China: In Pursuit of a Culture of Law and a Mission of Social Justice, 8(1)(iii) *Yale Human Rights and Development Journal* (2005) 117-149.

<sup>68</sup>*Id.*

<sup>69</sup>Bridges Across Borders Southeast Asia Community Legal Education Initiative (BABSEACLE), available at <https://www.babseacle.org/>.

<sup>70</sup>*Id.*



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GAJE is a Global Alliance for Justice Education is committed to achieving justice through education, with the aim to facilitate international information sharing and collaboration on justice education.<sup>71</sup> Since its founding in 1996, GAJE has worked to promote justice through education by convening five worldwide meetings on justice education: in India (1999), South Africa (2001), Poland (2004), Argentina (2006), and the Philippines (2008). These meetings were carefully designed to be accessible and affordable for persons from developing countries; delegates from every continent and over 50 countries have participated in one or more of these meetings. GAJE's Sixth worldwide meeting will take place in Puebla and Tlaxcala, Mexico in 2017. . These formal GAJE activities have facilitated a wide range of cross-national collaborations, including educational exchange programs, joint research projects, "train the trainer" workshops, teaching handbooks, curricular materials, and multinational co-authorship of books and articles.<sup>72</sup>

**The South African University Law Clinics Association (SAULCA)**

SAULCA is a voluntary association of all South African University Law Clinics, established to promote and protect the interests, values and goals of its members. Part of SAULCA's mission is to promote high quality CLE programmes at universities in South Africa.<sup>73</sup>

In India, there is a dire need for clinical faculty to come together to share resources, methods of teaching and activities. There was news of the GAJE India Chapter being formed for this reason, however it has not been active.<sup>74</sup> The Forum of South Asian Clinical Law Teachers was one that had been formed several years ago by some leading academicians at that time. It is possible for this to be revived as well.<sup>75</sup>

**2.5 Limitations and Obstacles facing Clinical Legal Education in India**

Most of the interviewees when asked about the limitations and obstacles to CLE, especially in creating and maintaining clinics, reiterated similar challenges as have been identified below. On a general note one of the advocates observed, "In my opinion the lack of interest shown by the law colleges in adopting a practical approach to the clinical legal education and

<sup>71</sup>Goals of GAJE, available at <https://www.gaje.org/about-gaje/goals-of-gaje/>.

<sup>72</sup>GAJE, available at <https://www.gaje.org/about-gaje/>

<sup>73</sup>Southeast Asia Clinical Legal Education Association (SEACLEA), available at <https://www.habseacle.org/southeast-asia-clinical-legal-education-association-seaclea/>, last visited on 10 December 2016.

<sup>74</sup>Global Alliance for Justice Education (GAJE), available at <https://www.gaje.org/>, last visited on 10 December 2016.

<sup>75</sup>Interview with Dr. Shuvro Sarkar and Dr. Aniraban Chakraborty, Professors of Law.

lack of awareness among the students in knowing the concept of clinical legal education is one the most important hurdles posed in the way of effective implementation of the clinical legal education in our country.” However, each model of implementing CLE, each law college, and indeed, each National Law School has uniquely different constraints and challenges. This is due to the very different administrative structures of each college, differing levels of interest and activity in CLE by faculty, administrative staff and students; and the very different models and approaches to Human Rights CLE adopted by each college.

In the same vein, the solutions to the problems arrived at by each individual law college also differs and is suited, particularly, to its own environment and milieu. Therefore, while it is interesting to note the variety of challenges and problems faced by each college, the very solutions that have emerged in one situation may not be directly applicable in another. The administration of the clinic and the best practices adopted by certain clinics in say, ensuring continuity of clinical work and institutionalization of clinical practices are highlighted in this section. Practices in certain law colleges of having extensive clinical legal work at minimal cost, and with almost no funds are stressed on, as models that are possible to be implemented in other law colleges and universities. Nevertheless, many of the challenges faced by colleges when it comes to implementation of clinical human rights education are common.

These often relate to:

- A. **Funding:** The issue of lack of resources was a dominant concern especially in case of legal institutions other than the national law schools. Lack of funding was noted as biggest challenge to CLE in establishing and maintaining clinics in different legal institutions. Lack of funding in an area as important as legal education includes adequate payment to faculty and technical requirements of legal education. It was further noted that in cases of faculty driven clinics which are mostly research based and rely on funding from external sources, faculty find it hard to get projects especially on issues related to human rights.
- B. **Lack of Faculty and Student Motivation:** Faculty and student resistance, as has been found throughout this report, was seen as a significant factor in making CLE a success in India. The lack of motivation was attributed to various reasons such as the time and effort involved in teaching these courses especially where the number of students is very high which makes it difficult for course teachers to provide individual



supervision to students<sup>76</sup> Segregation between the CLE faculty and other faculty causes the entire burden to be shouldered by CLE faculty. In one of the interviews it has been mentioned that various faculty members refuse to take CLE courses due to overload of work.

It has been seen that faculty involvement is minimal at GLC, Mumbai and so are the collaborations with third parties. Student initiatives within the LAC in GLC, Mumbai seems to be lacking, with the same activities performed as routine every year. The concept of legal aid appears limited and is seen through a narrow and uninformed lens.<sup>77</sup>

Lack of student motivation is also the main issue that the Legal Aid Committee at NLU-Delhi faces, and the Convener feels that if there is credit system, there will be more student participation. Right now, certificates from NGO are the only incentives for students to do legal aid work.<sup>78</sup> NLSIU, Bangalore has the funding and supportive linkages, but student interest is minimal. The challenges faced by the Legal Services Clinic at NLSIU, Bangalore are lack of student motivation to become involved in clinical activities; language barriers while dealing with local people; and lack of faculty support for the activities undertaken by the LSC.

**C. Administrative support:** While some faculty are proactively involved, most universities are either not interested to help the students either due to their own workload or other commitments. There is generally a lack of a drive in the institution to dedicate itself to the cause of legal aid and clinical legal education. Further, academic integration with clinical activities is missing, and no metrics have been evolved for evaluation of such work.<sup>79</sup> At GNLU, Gandhinagar, the issues faced are different. The primary one is that government departments in general are not aware that LSCs are mandatory and are therefore, not as inclusive, and do not recognise the efforts of pro bono work done.<sup>80</sup> For instance, while NUJS has funding and motivated faculty, it is in need of further administrative support.<sup>81</sup>

<sup>76</sup> Sital K., Promoting Clinical Legal Education Democracy in India, NUJS L.Rev., Vol 8 (2015).

<sup>77</sup> Based on interviews

<sup>78</sup> Interview with Convener, Legal Aid Committee, NLU, Delhi.

<sup>79</sup> Interview with Convener and Ex-Convener, Legal Services Clinic, NLSIU, Bangalore.

<sup>80</sup> Interview with Convener, Legal Services Committee, GNLU, Gandhinagar.

<sup>81</sup> Interview with Dr. Anirban Chkraborty, Professor of Law, WBNUJS, Kolkata.

- D. **External linkages/ lack of support:** While TNLS, Trichi has an extremely motivated student body,<sup>82</sup> it faces challenges in finding opportunities and lacks support from the DLSA and allied bodies.<sup>83</sup> At the newest NLU, TNLS, while student motivation is highly present, the challenges are lack of networking opportunities and avenues with local NGOs and local authorities.<sup>84</sup> There is also little information on whom to contact for the redressal of a certain problem. Since the college is still at a nascent stage, increased support by the faculty is required. Further, institutional references are not very effective and only personal references work.
- E. **Lack of certainty:** Many of the judges, academicians and also advocates were significantly bothered by the uncertainty that surrounds CLE in India. For instance, the curriculum of CLE is not well defined and most of the colleges have their own curriculum which they follow. This has led to a lack of uniformity in defining and organising a course on CLE. A professor from NLSIU made an observation that the syllabus of CLE courses are outdated and no innovative method is used as far as teaching CLE courses is concerned.
- F. **Lack of Governing and Implementing Body:** The complete absence of a governing mechanism, governing body and uniform standards for delivering clinical legal education and the lack of any authority whatsoever for overseeing clinical legal education, particularly in human rights is a problem. The unaddressed loopholes in inspection and recognition of law colleges by the BCI has become one of the major hurdles.
- G. **Bar on Practice for Teachers:** This seems to be one of the biggest hurdles in making CLE effective in India. Ban on practice, as was the opinion of many academicians, segregates the bar and legal institution and deprives students from gaining practical skills.
- H. **Sustainability:** The absence of a continuing and maintainable source of funding jeopardises the sustainability of clinics and research centres in most of the legal institutions.

Other than the above mentioned hurdles, overpopulation, illiteracy, diversity in cultures and customs, insufficient awareness about rights and duties, etc. are hurdles standing from the

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<sup>82</sup>Tamil Nadu National Law School, Tiruchirapalli, Legal Aid Clinic, available at [http://tnls.in/important\\_events/LEGAL\\_AID\\_CLINIC.php](http://tnls.in/important_events/LEGAL_AID_CLINIC.php).

<sup>83</sup> ibid

<sup>84</sup> ibid



prospective client's side. Language barriers, status differences, target oriented approach, more paper work, etc. are some of the hurdles to effective implementation of CLE from the institution's side.

**2.6 Linkages of Human Rights Law Clinics with the Legal Aid Movement**

It is found that without viable, sustained and interested partnerships, legal aid clinics are doomed to fail. This is because achieving successful access to justice requires the effective and sustained participation of several stakeholders simultaneously and additionally it helps deliver much required legal service to the under privileged and marginalised.<sup>85</sup> It is found through this study that those law clinics that develop, foster and continue relations with local NGOs, municipal bodies, and the district/state Legal Services Authorities are the more effective ones. It is these clinics that see active and sustained participation from the students as well as faculty members. Perhaps there arises a greater sense of responsibility and commitment to the society when external persons and third-party organisations are also involved. This works both ways. NGOs and local government bodies are in turn, also inspired by the work of the legal clinics to do their bit to contribute to developing access to justice goals in their neighbourhood and jurisdiction. Thus, mutual linkages have umpteen numbers of seen benefits to society at large.

It is observed that wherever there are strong linkages of the law clinic with external agencies such as NGOs, government officials, Legal Services Authorities and others, there is a stronger motivation among the students to engage in active clinical work. Further, it is observed that these linkages are also directly proportional to the amount of clinical work engaged in among the law clinics

<sup>85</sup> Sital K., Promoting Clinical Legal Education Democracy in India, NUJS L.Rev., Vol 8 (2015).

## Chapter III

### 3.1 Recommendations

### 3.2 Recommendations

Many recommendations are not new. However, they have not yet been implemented even though they have been made in earlier studies. It is therefore necessary to reiterate them here.

- 3.2.1** Two heartening changes have influenced the recommendations made here for the first time- one, the proliferation of clinical legal education at least in the form of legal aid centres and some taught courses and two, a body of law teachers and professionals interested in CLE who feel that CLE in India could mean something different from the Western model. This is especially so because until the bar on faculty practice persists, a Western model of a Law Clinic may be very difficult to run in India. **We need a working definition for Clinical Legal Education in India**

In much of the Western world, and indeed in most literature on CLE, two things are taken for granted- freedom for a law teacher to practice law and students practice in clinics with the teacher's supervision. Since both these are absent in the Indian context, much of our work is not considered CLE. We need to develop a definition which treats CLE as any experiential learning which also benefits marginalised clients done under the supervision of a qualified teacher.

- 3.2.2 Strengthen interlinks between clinical faculty, NGOs involved, Legal Services Authorities and students involved in legal clinics**

There is a disconnect between faculty, and students. Both are independently trying to achieve the goals of clinical legal education in the field of human rights, but there is little dialogue with each other. It is observed that by including students who are involved in legal clinics in conferences and workshops that are primarily meant for faculty members, and including clinical faculty in CLE initiatives such as ILAAN will be highly beneficial to both.

Bringing in student representatives from all legal clinics to brainstorm with clinical legal academicians, NGOs involved in clinical work and the relevant LSAs on one platform will be an effective way to strengthen CLE in India.



Following up on their own mandate, the SLSA and the DSLA must work closely with all the legal aid clinics in their jurisdiction. LSAs can work as a motivating factor and successful collaboration between them and the colleges are highly beneficial for both the parties. This will promote the law clinics to step up their clinical activity and will not place the burden unduly on the students to suo-moto take up clinical legal work and legal aid.

### **3.2.3 Create an (online) network or portal for information and resource sharing**

Today, the internet is the first point of any search and CLE in India is conspicuous by its absence. We need to have a space for materials, information such as calls for papers and conferences which can be uploaded. Details of institutions which offer outreach services, profiles of such institutions provided by the institutions etc. We also need simple materials which can be easily translated into local languages.

Dissemination of legal knowledge and information sharing through means of technology is highly advantageous. Every time a law school or university wants to set up a new law clinic, there is no need to reinvent the wheel. If information relating to how different types of law clinics are set up and information regarding their functioning is available online, this would be greatly beneficial. It is recommended to institutions to make an attempt in doing so.

Further, by utilising technology aptly, we could work in enabling continuous resource and information sharing amongst various law clinics and facilitate in collective problem solving.

### **3.2.4 Have regular meetings of clinical faculty members to discuss clinical curriculum, teaching methods, and specialised clinics**

This is to enable smooth flow of information and to grow and develop academic, curricular and pedagogic disciplines around building and sustaining a uniquely Indian model of clinical legal education.

### **3.2.5 Build an ethic of social work and inspire students to undertake clinical work.**

It is an innate motivation and inspiration that takes sustained clinical work forward best, from within the university, equally by faculty and students. While incentives are important, it is the innate drive that brings out the best work in a sustained way.

### **3.2.6 Offer incentives and motivation to faculty members to become involved in clinical activities.**

Proper remuneration for faculty and recognition of the work load of CLE is essential to build an ethic of clinical work especially among faculty members.

### **3.2.7 Need to modernize existing framework of CLE**

There is a need to modernize the existing framework of Clinical Legal Education in India. The courses mandated by the BCI must be taught primarily through clinical mechanisms and must have a practical component. Clinical Legal Education must also not be confined just to legal awareness and legal research work. Also, a clinical methodology must be integrated with other courses as well, for example, specialized areas of contract law, Intellectual Property Rights ("IPR") laws, corporate law, etc. may be the subject of clinic courses.

### **3.2.8 Link academic credits to clinical work.**

In the USA, Canada and Australia "accreditation has been used to drive legal education toward an outcomes-based learning model in which knowledge, skills and values must be clearly articulated and tangibly demonstrated."<sup>86</sup>

Introducing suitable credit systems works as a factor of encouragement and also drives the students to take part in Legal aid clinics. The lack of such a system often reduces the enthusiasm of students as well as the faculty from undertaking legal aid work. However, there is nothing in the Indian legal curriculum model, which speaks of crediting and evaluation of clinical work. Each university links academic credit to clinical work in a different way, if at all.

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<sup>86</sup>Smyth & Liddle, *Lulling Ourselves Into A False Sense Of Competence: Learning Outcomes And Clinical Legal Education In Canada, The United States And Australia*, 21 Canadian Legal Education Annual Review(2012).



### **3.2.9 Create an Evaluation/Supervision manual.**

It is important to consider the parameters that shall be considered while evaluating clinical work by the students. The Bar Council's mandated four clinical papers are hardly 'clinical' in characteristic, and there is no body to ensure that they are taught through clinical methods. Even if they are, it is up to each law college to determine its parameters for evaluation.

### **3.2.10 Institutionalise clinical work already happening and ensure continuity across batches over time.**

Overt and disproportionate reliance on one or a few motivated faculty members to keep the clinical work going in a law college or university is impractical, and short-sighted.

Faculty members leave for various personal and professional reasons, and it has been observed that in many such cases, when the faculty member driving a particular clinic leaves, the clinic has an untimely demise. This has been observed in several places such as NLU-D, Jindal Global Law School, WBNUJS and many others. This trend is due to the lack of institutional involvement, and the absence of proper documentation of the practices of running the clinic.

### **3.2.11 Document and detail the processes and practices of running a legal clinic.**

If the specific details of setting up and running a legal clinic were recorded by the students and faculty members involved, the practices of the clinic documented and the outcomes consistently written down, it would be possible for future generations and batches of students and new faculty members to continue work on it. This is essential in maintaining the continuity of clinical legal work in universities.

### **3.2.12 Do not rely on external funding for undertaking clinical legal education.**

While external funding is welcome, clinical activity must not cease when such funding is withdrawn, as is seen in some cases in India in different law universities. Instead, an in-house fund can be created for the purposes of the law clinic, and funds can be drawn from this when the need arises. Corporate Social Responsibility funds should be tapped for funding.

### **3.2.13 Faculty to facilitate collaborations for the clinics.**

Collaborations with the relevant panchayats, youth organizations, clubs, NGOs, government authorities, local government bodies, religious institutions and other legal clinics is an important aspect of the workings of a human rights clinic, and can present many opportunities for the clinic.

Moreover, when the faculty in charge or the University takes the initiative to initiate collaboration, it is much more likely to be taken seriously by the partners of the organisation the clinic seeks to collaborate with. Further, the university and the students will benefit from the networks that the faculty members are already a part of.

### **3.2.14 Create an independent organisation to oversee the standards and implementation of Clinical Legal Education.**

The Bar Council of India is already over-burdened and should be divorced from the task of overseeing legal education, and in particular clinical legal education. It is important to have an organisation such as Clinical Legal Education Association (CLEA) in the USA, to oversee the standards and implementation of Clinical Legal Education in India. This organisation should be independent, and comprise of members who are legal academicians, clinicians and experts, members representative of the Bar, practising lawyers, members from NGOs and those who understand the ground realities of legal aid and clinical legal education. This organisation should be given the mandate to set, regulate and monitor the standards of clinical legal education.

This move of creating an efficient independent organisation will communicate to the world at large that we in India are taking up the matter institutionalising legal aid through clinical legal education seriously the way we ought to.

### **3.2.15 Make mandatory the recruitment of full-time clinical faculty, and make appropriate provisions for capacity building and have consistent and compulsory training programs for Faculty members.**

There must be a mandatory requirement for specific hiring of clinical faculty to engage the students in clinical work in different subjects of human rights and legal aid.

One substantial limitation of implementing CLE successfully in colleges is the lack of practical exposure of the faculty. To overcome this, relevant training must be given to



teachers by experts in the field and they must be assisted in building the necessary skill set to teach practical courses. The Universities themselves also ought to engage with the problem of faculty training more seriously. Further, institutes that already provide training to faculty in clinical work should be promoted and strengthened. Also, The University Grants Commission needs to take a more intensive role in teachers' training and development, to formulate a clear policy on recruitment of clinical faculty, specialized training of faculty etc.

It would also be beneficial if an organised training methodology is developed for achieving the same.

### **3.1.16 Minimising Expenditure**

It is also important to focus on activities and methods that do not require a very large budget for implementation, and that makes a difference on the ground to the people and in motivating the students to continue the work as they see the impact of their work on society. Also, by focusing on doing things that do not require much funding, institutional barriers would not stand as a strong obstacle

### **3.1.17 Adopting Best Practices**

Adopting best practices from colleges and universities that are already engaged in such evaluation is important. Every college can modify suitable existing model to serve their needs.

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**Annexure - 1 | Interview Questionnaire for Experts and Faculty in CLE****Request for background and experience in CLE****General**

1. What is the purpose of CLE, and do you see a collective move towards fulfilling this purpose in India?
2. What are the goals of CLE?
3. How would you define/characterise CLE in India?
4. Do you observe a particular focus on CLE in the field of human rights?

**Policy**

5. How do you envisage the ideal role of the BCI, State Bar Councils, and the UGC in the promotion of CLE in India? What is it in reality today?
6. Do you feel that the bar on students and full time faculty from practicing comes in the way of full-blown CLE application in India? Should these rules be changed for better and more effective implementation of CLE?
7. How do you envisage the role of the Legal Services Authority in promoting CLE in their relevant states/districts?
8. Do you feel that the currently mandatory four "clinical" courses (Trial, ADR, DPC, Prof. Ethics) are in fact clinical in nature?
9. Is there a need for a uniform governing body, specifically for mandating the content of clinical legal education, and the methods of implementation? Please comment based on your experience in other countries.
10. You mentioned Institutional Supervision Manuals for overlooking implementation of CLE - can each college come up with its own, or should there be a governing body who decides this? (UGC? BCI? Some other neutral association?)

**Experience**

11. What are the different models/emerging trends of CLE you have come across? Any unique models I should take note of?
12. What methods/models of CLE have you been personally involved in implementing?



13. What is the most effective model of CLE that you have come across?
14. Can you share with me a case study/success story from your experience?
15. What are some of the best practices you have come across that you would like to see implemented in all law clinics?
  
16. Do you find the need to have many optional clinics offered to law students? Would this benefit them? Is this practicable to implement, given the different limitations and contexts of different law schools?
17. Which is a better model, in your opinion - student-driven, or faculty-driven? What are the pros and cons of each?
18. Do you think a system of CLE that links academic credits to clinical work by students is preferable over a purely voluntary model that is based on soft-incentives (CV points etc)? Why?
19. Do you feel that CLE should be made mandatory for every course? Is this practicable in your opinion?

### **Obstacles and Challenges**

20. What, in your experience, are the hurdles standing in the way of effective implementation of CLE in different contexts in our country?
21. Please tell me your experience on challenges relating to  
faculty involvement | student motivation | administrative support | external linkages/ lack of policy support
22. Can you give me an instance of an obstacle you came across and how you overcame it?

### **Training**

23. Please comment on the evaluation and supervision of clinical work by faculty.
24. What are your thoughts on faculty training on CLE? Who should take responsibility for this and what should the training contain? Should BCI/UGC policies be altered to include practical training for the faculty?

### **External Linkages**

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25. What are the linkages you find that law clinics (student-run or faculty-driven) have with external agencies, government or organisations? Is there a need for these to be strengthened?

**Documentation and Networks**

26. What is the need for documentation and knowledge sharing among faculty and students? How can this be done best?

27. How can networks among legal aid clinics/ faculty members be created? Please comment from experience in different countries.

28. Any thoughts on comparative experiences from other countries.

29. What would be your recommendations for:

- a) legal aid clinics
- b) faculty-driven clinics



**Annexure - 2 | List of Institutions and Law Clinics surveyed as part of the Primary Field Research**

1. Amity Law School, Noida
2. Auro University Legal Aid Club
3. Dr. Shakuntala Misra National Rehabilitation University, Lucknow
4. Government Law College, Mumbai - Legal Aid Committee
5. Gujarat National Law University, Gandhinagar - Legal Services Committee
6. ILS, Pune
7. Jagdalpur Legal Aid Group
8. Jindal Global Law School - Citizen Participation Clinic
9. Jindal Global Law School - Gender Studies Clinic
10. Jindal Global Law School - Legal Aid Clinic
11. JSS Law College, Mysore
12. KIIT Law School
13. MNLU, Mumbai
14. MS Ramaiah College of Law, Bangalore - Legal Aid Clinic
15. NALSAR University of Law - Land Rights Clinic
16. NALSAR University of Law - Legal Services Cell
17. National Law Institute University, Bhopal - Cell For Human Rights And Access To Justice
18. National Law School of India University, Bangalore - Centre for Environmental Education, Research and Advocacy (CEERA), Commons Cell, Environmental Law Clinic
19. National Law School of India University, Bangalore - Chair on Consumer Law and Practice
20. National Law School of India University, Bangalore - Legal Services Clinic
21. National Law University - Odissa - Legal Aid Society
22. National Law University, Delhi - Centre for Constitutional Law, Policy and Governance
23. National Law University, Delhi - Death Penalty Litigation Clinic
24. National Law University, Delhi - Legal Aid Clinic & Committee
25. National Law University, Jodhpur - Legal Aid And Awareness Committee

26. National University of Study and Research in Law, Ranchi - Centre For Legal Aid Programme
27. NIRMA University, Institute of Law - Legal Aid Committee and Legal Aid Clinics
28. NLUJA Assam, Guwahati - Legal Aid Cell
29. NUALS Kochi
30. PURC Ludhiana
31. School of Law, Christ University, Bangalore
32. Symbiosis Law School, Pune
33. Tamil Nadu National Law School, Tiruchirapalli - Legal Aid Committee
34. Tata Institute of Social Sciences - UNDP Access to Justice Clinic
35. V M Salgaonkar College of Law, Goa - Legal Aid Society
36. West Bengal National University of Juridical Sciences, Kolkata - Legal Aid Society



### **Annexure 3 – Names of Judges, Judicial Academy Members, Lawyers and Academicians interviewed for this project**

#### **Judges and Judicial Academy Members**

1. Dr Suvendu Kumar Pati, Addl District Judge, Gunupur, Rayagada, Odisha
2. Shri Soumyak Patra, Civil Judge Senior Division, Bargarh
3. Jai Shankar (Member Secretary, DSLSA, Bengaluru Urban)
4. G.K.Gokhle (District Judge , Retd)
5. Rona Vasudeva, (District Judge, Bengaluru)
6. Poonam Bansal (Chief Judicial Magistrate in the State of Punjab)
7. Inderjeet Singh (Civil Judge [JR] in the State of Punjab)
8. Judicial Academy Members
9. S.B.Kembhavi (Deputy Director, Karnataka Judicial Academy, Bengaluru)
10. Badri Narayan Panda: Dy. Director, OJA
11. Loknath Mohapatra: Director, OJA
12. Satya Prakash RayChowdhry
13. Ujjwal Bhuyan, Judge
14. A.C. Upadhyay, Judicial Academy

#### **Lawyers**

1. Aditya Mishra, Advocate, Orissa High Court, Cuttack
2. Dr. Deepak Ranjan Sahoo, Deputy Secretary, Odisha State Legal Services, Authority, Cuttack
3. Pratyusha Naidu, Advocate Orissa High Court
4. Ramasish Das Pattanayak, Advocate, at Khordha District
5. Swayambhu Mishra, Advocate, Additional Standing Counsel for the State of Orissa, Orissa High Court
6. Anu Chengappa (Lawyer, Karnataka High Court, Bengaluru)
7. Veena Rai (Lawyer, Karnataka High Court, Bengaluru)
8. Kunal Ambastha (Lawyer, Karnataka High Court, Bengaluru)
9. Chandandeep Singh (Lawyer, Punjab and Haryana High Court)
10. Jatinder Jit Kaur (Lawyer, Punjab and Haryana High Court)
11. Salil Sabhlok (Lawyer, Punjab and Haryana High Court)
12. Upkar Agarwal (Lawyer, Punjab and Haryana High Court)

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13. Shruti Singh Baghel (Lawyer at a Law Firm in Chandigarh)
14. Hasibur Rahman
15. Dulal Kumar Ghosh
16. Atikuz Zaman Hussain
17. Juri Hazarika
18. Arunav Phukan



## **Annexure - 4 | Clinical Methods Of Teaching Consumer Protection Laws In India (NLSIU)<sup>87</sup>**

[Prof.(Dr).Ashok R. Patil, Chair Professor, Chair on Consumer Law and Practice, Director, Online Consumer Mediation Centre, Member, Central Consumer Protection Council, National Law School of India University, Bangalore]

### **NLSIU Staff and Students Consumer Activism**

The staff and students are actively involved in all the activities of the consumer chair. Every year while studying these courses, they visit consumer welfare departments like Bureau of Indian Standards, Legal Metrology Department, Public Health Institute Department, Drugs and Cosmetics Department, and Laboratories to get practical experience.

In India majority of consumer welfare legislations are good but implementation at the State level is very weak due to many reasons. Majority of the State Governments are not giving importance to these departments or their infrastructure, appointment and training of staff, updating lab equipment etc. In this regard the NLSIU students assist many Karnataka Government Departments in their duties. Some students went along with drug inspectors and inspected all Blood Banks of Bangalore to check routine activities of the Blood Banks; while others assisted the Legal Metrology Inspectors in testing Auto and Taxi meters in Bangalore; Students assisted Government officers in providing justice to Physically Challenged persons.

Further students have taken consumer protection issues very seriously and they have filed eight cases against Unfair Trade Practices before Bengaluru District Consumer Forum and State Commission of Karnataka; one Public Interest Litigation (PIL) filed before High Court of Karnataka on Implementation of Consumer Protection Act, 1986.<sup>88</sup> All these cases are filed in their personal capacity to achieve the object of COPRA. The details of the cases are as follows:

### **Unfair Trade Practice<sup>89</sup>: Price of Goods at Malls and outside**

**In Aditya Banavar and others Vs. M/s Pepsi Co. Indian Holdings Pvt., Ltd and others,**<sup>90</sup> case Aditya Banavar and four other students (now Advocates) filed a complaint at

<sup>87</sup> Report of Consumer Law and Practice, NLSIU, Bangalore (2015).

<sup>88</sup> Basavana Gouda v. Government of Karnataka, High Court of Karnataka, Writ Petition No. 50586/2012 .

<sup>89</sup> Section 2(1)(d), Consumer Protection Act, 1986.

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the Consumer Forum against Pepsi for unfair trade practice. The grievance was that the Maximum Retail Prices (MRP) of certain commodities in these malls have been deliberately labeled as much higher than the MRP of the commodities outside the malls i.e.the MRP of a Pepsi Can is Rs. 25 outside the mall, whereas the MRP of the same is Rs. 50 in the mall. Similarly, a Nimbooz Pet Bottle costing Rs. 15 (MRP) is marked at Rs. 50 in the mall. Also, an Aquafina Water Bottle, whose MRP is Rs. 15 outside, is marked at Rs. 20 in the mall.

The students themselves argued the case before Bangalore District Consumer Forum and won it. Then Pepsi filed an appeal before Karnataka State Commission which is pending since 18 months, even though COPRA says the case has to be disposed off within 3 months.<sup>91</sup>

**Unfair Trade Practice: Misleading Advertisements:** NLSIU Students observed that in India, there is no comprehensive legislation to control misleading advertisements. False/misleading ads are not just unethical but also violate several rights of the consumers. On basis of cosmetics advertisement claims like hair damage therapy, dandruff care, energy fresh spray, slimming lotions, fairness cream for men and sun control lotion students purchased these cosmetics and tested them on themselves. Using these products on themselves, the students found that the effect of these cosmetics did not match the claims made by the manufacturers. Then they issued a legal notice asking for many clarifications like scientific basis for the claims; Survey sample; Side effects; approval from State or Central Government Departments. But all of them did not clarify the queries asked in the legal notices. Then Students filed six cases in their personal capacity as consumers, before Karnataka State Commission and Bangalore District Forums for justice. One complaint has been filed before the Advertisement Standard Council of India (ASCI) on 27th September 2012 to test whether it works effectively for consumers or not. So far no response from ASCI has been received. The details of the cases on misleading advertisements are given below:

S.N	Case Name	Before Forum/Commission/ASCI/ High Court (Nature of Case)
	NLSIU Students v. L'oreal India Pvt Ltd (Garnier Men Cream)	Karnataka State Commission

<sup>90</sup> Bangalore District Consumer Forum, Complaint No.155/2011 ( Date of Judgment 1<sup>st</sup> April 2011).

<sup>91</sup>Sections 13, Consumer Protection Act, 1986.



	Complaint No.2119/2012	Bangalore
	NLSIU Students v. Dove Damage Therapy Dandruff Care Shampoo Complaint No.2119/2012	Bangalore District Consumer Forum Misleading Advertisements- Unfair Trade Practice
	NLSIU Students v. Nivea Energy Fresh Spray Complaint No.2120/2012	Bangalore District Consumer Forum Misleading Advertisements- Unfair Trade Practice
	NLSIU Students v. Himalaya Herbals Fairness Cream Complaint No.2121/2012	Bangalore District Consumer Forum Misleading Advertisements- Unfair Trade Practice
	NLSIU Students v. VLCC Health Care Ltd. Complaint No.2122/2012	Bangalore District Consumer Forum Misleading Advertisements- Unfair Trade Practice
	NLSIU Students v. L'oreal India Pvt Ltd (Garnier Sun Control Cream) Complaint No.2123/2012	Bangalore District Consumer Forum Misleading Advertisements- Unfair Trade Practice
	NLSIU Students v. Vivel Active Fair Cream (ITC)	Advertisement Standard Council of India (ASCI)
	NLSIU Students v. Govt. of Karnataka Public Interest Litigation (PIL) WP No.50856/2012	High Court of Karnataka- Establishment of Consumer Forum/ Appointment of Members/ Administrative Staff/ Infrastructure

**c) Public Interest Litigation (PIL) on Implementation of Consumer Protection Act, 1986 in Karnataka State<sup>92</sup>:** CLAP has also been doing empirical research on implementation of Consumer Protection Act, 1986 in Karnataka State. On the basis of this report Mr. Basavana Gouda and four other students have filed a Public Interest Litigation before Karnataka High Court. According to petitioners, more than half of the 30 District Consumer Disputes Redress forums, across the Karnataka State, including the State Commission were either without a President or lacked the stipulated number of members. While there were no consumer forums in Ramanagar, Yadgir and Chikkaballapur districts, lack of administrative staff, proper infrastructure, meagre salary for members, no established District Councils and State Councils etc. were also some other issues. On 3rd June 2013, the Hon'ble High Court of Karnataka directed State Government of Karnataka to fill up all the vacancies at the State Commission and the District Forums.

**d) Drafting of Legislations:** The CLAP has submitted its draft legislation on Consumer Protection Bill to the Ministry of Consumer Affairs, Government of India. The majority of our suggestions like establishment of Regulatory Authority, Mediation and Product Liability chapters are added in new Consumer Protection Bill, 2015, which is before the Parliament. And also the CLAP has submitted its review report on Karnataka Essential Commodities (Public Distribution System) Control Order, 1992 to the Ministry of Food, Civil Supplies and Consumer Affairs Department of Karnataka.

**e) Students Appointments as Legal Advisors to MNCs:** Students are getting very good exposure of consumer protection during their five years at NLSIU. After the completion of law degree, majority of students are joining Multi-National Companies as a Legal Advisors in India and are expected take care of consumer protection issues very effectively. It is hoped that general consumers will stand to benefit from these appointments within MNCs.

**f) Consumer Complaint during Flipkart's Big Billion Day Sale. Report submitted to Ministry of Consumer Affairs, Government of India, dated 6<sup>th</sup> January 2015:** This report seeks to study Flipkart's Big Billion Day Sale in context of consumer rights. For this the researchers first carry out the study of events that occurred throughout the 'Big Billion Day', i.e. October 6, 2014. A sequence of events is constructed right from the beginning of the Sale at 8 A.M. Then there is a look on happenings of events throughout the day and analyze them in the light of allegations made by customers. The source of allegations range from

<sup>92</sup>Basavana Gouda v. Government of Karnataka, High Court of Karnataka, W.P. No.50856/2012.



newspaper and media reports to personal tweet messages on the accounts of different customers. Interestingly a clarification cum apology letter was published by Flipkart after an embarrassing day also offers links to different events and circumstances that could have led to the violation of consumer rights during the 'Big Billion Day' sale. The case study is not only confined to events happening on the day of sales. Rather, it looks into events that occurred prior and post the Sale in order to understand the context and effects of the sale. These events include detailed and comprehensive analysis of massive advertisement campaign undertaken by Flipkart to promote its 'Big Billion Day'. This analysis was also done in light of allegations by Flipkart's customers about misleading advertisements.

**g) Consumer Complaints on excess Lead & MSG content in Maggi Noodles (Nestle Co.) Report submitted to Ministry of Consumer Affairs, Government of India, dated 20<sup>th</sup> June 2015 :** This report is relating to remedies that can be pursued under the provisions of Consumer Protection Act, 1986 and other legislation. This report discusses certain issues that arose out of Consumer Complaints on excess Lead and Mono Sodium Glutamate (MSG) in Nestle India's Maggi Atta noodles through a variety of consumer complaints on the print and electronic media. These have been formulated in legal issues and questions under various provisions of law. Thus a report was sent to Ministry of Food, Civil Supplies and Consumer Affairs, Government of India so that they can take action on behalf of all the consumers who have suffered. Such a complaint can be filed by the Government under Section 22 of the Act while acting as a representative of the interests of large number of aggrieved consumers. Accordingly Ministry of Consumer Affairs, Government of India has filed a complaint before the National Consumer Commission. This step for further required to ensure that it acts as a deterrent, specifically to Nestle and generally to the giant companies in the food sector, which remains to this day under regulated and unsupervised.

**h) Report on Agri Gold Scam Defrauding Investors in Andhra Pradesh and Karnataka to Ministry of Consumer Affairs, Government of India dated 22<sup>nd</sup> June 2015:** Agri Gold Farm Real Estates India Private Limited ("AGFEIPL" or "the Company") is a private limited company incorporated under the Companies' Act, 1956 (Registration No. 038237) with its registered office in Vijayawada, Andhra Pradesh.<sup>93</sup> Its office in Bangalore is at No. 84, 10<sup>th</sup> Cross, near Seshadripuram College, New Town, Yelahanka, and Bengaluru – 560064. Agri Gold is a conglomerate involved in business activities in a number of fields including dairy,

<sup>93</sup> The Administration Office is located in Agri Gold House, #40-6-3, Plot No. 6, Nimmagadda Soma Sankara Rao Street, Old Revenue Colony, Labbipet, M.G. Road, Vijaywada-520010, Andhra Pradesh, India.

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energy, exports, foods, healthcare, infrastructure, media, tourism and most relevant to this report – real estate. The Company claims that through Agri Gold Properties, it is engaged in “developing housing, residential layouts, farm house lands and Agri farm lands which will give prosperity pleasure and satisfaction, where the dreams of a common man are transformed into a reality” on its websites agrigoldindia.com and agrigoldproperties.com. Accordingly, the Company lists residential layouts and apartment flats that are in development by Agri Gold Properties, in the states of Karnataka and Tamil Nadu besides Andhra Pradesh. The Company’s real estate business is the field in which the Company has conducted scams and duped thousands of consumers. This report scrutinizes the Agri Gold scam as it was carried out by the Company in Andhra Pradesh, presents an empirical study of the victim investors of the Company in Karnataka, and finally presents findings on the legal issues pertaining to the scams. On the basis of our empirical research Chief Minister ordered Home Ministry to do investigation in this matter. 17<sup>th</sup> July 2015.

**i.) Submitted the Comments on Service Charges by Hotel and Restaurants to Ministry of Consumer Affairs, Government of India dated 21<sup>st</sup> April 2015:**

In this report it was sought on the issue of collection of service charges in lieu of tips by hotels and restaurants in the country for examination by them from competition point of view. It has been stated by the CCI that it has come to their notice through various news articles that Hotels and Restaurants across India are following the practice of charging ‘Service Charge’ in the range of 5-20%, in lieu of tips. It is pertinent to mention here that a customer is forced to pay this charge irrespective of the kind of service provided to the customer. Following the dictum of Hon’ble Supreme Court in M/s Wockhardt Life Sciences Ltd reported in 2012 (277) E.L.T 299(S.C.), the charging of as a percentage of the bill amount will result in mandatory payment against the definition of tip and in turn against the judgment of Hon’ble Supreme Court.

**Submitted the Comments on Whether Consumer can seek help from Legal Service Authority to approach the Consumer Forum/State Commission.**

Under Article 39A of the Indian Constitution provides that 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 disability. Under Article 14 Right to equality also make it obligatory for



the State to ensure equality before law and a legal system which promotes justice on a basis of equal opportunity to all. Legal aid strives to ensure that constitutional pledge is fulfilled in its letter and spirit and equal justice is made available to the poor, downtrodden and weaker sections of the society. The Supreme Court has also emphasized that under Article 39A the State Government undoubtedly has an obligation to set up a comprehensive and effective legal aid programme in order to ensure that the operation of the legal system promotes justice on the basis of the equality. *Babubhai Udeish Parmar v. State of Gujarat* [(2006) 12 SCC 268]. Under Section 89 of Code of Civil Procedure, 1908 which speaks about the settlement of disputes outside the Court, provides that: (1) Where appears to the Court that there exist elements of a settlement which may be acceptable to the parties, the Court shall formulate the terms of settlement and give them to the parties for their observations and after receiving the observation of the parties, the Court may reformulate the terms of a possible settlement and refer the same for—(a) arbitration; (b) conciliation; (c) judicial settlement including settlement through Lok Adalat; or (d) mediation. In the case of *M/S Afcons Infra Ltd v. M/S Cherian Varkey Construction* [Civil Appeal No.6000 of 2010] the Supreme Court held that even Consumer Forum, State Commissions and National Commission can follow section 89 of CPC. The Articles of the Indian Constitution, decisions of the Supreme Court and provisions of the Legal Service Authorities Act, 1987 makes it clear that even the consumers are entitled free legal services before Consumer Dispute Redressal Machinery.

## Annexure - 5 | Activities of the Legal Aid Clinic at Jindal Global Law School<sup>94</sup>

The Legal Aid Clinic has been a part of JGLS since its inception in 2009. The Clinic exists with the sole aim of bridging the gap between what law promises to offer and the actual realities of law. It follows the model of good governance through citizen participation, which believes that good governance will come about only when citizens at all levels of our democracy effectively participate.

The Legal Aid Clinic seeks to impart practical knowledge of law to students. The aim of starting the Clinic was not only to bring future lawyers face to face with the harsh realities of law, but also by giving ourselves the opportunity to use and implement the law even before entering the professional world.

Since 2009, the members of the Clinic have actively participated/organized various awareness creating events and engaged effectively with the rural communities. This is done by building a rapport with the communities, by understanding their concerns, after which they are connected to the district authorities through the processes of law. This process engages communities on a weekly basis, organizing conferences, conclaves, interventions within our surroundings and unique creative methods (e.g. theatre performances).

### PROJECTS

**Village Adoption Programme:** Five villages around the campus have been adopted. Each village has a group of five to six students working in it, with a group leader. The issues which have been looked at are, right to food, right to health, right to education, sanitation, employment etc. Letters have been written to various government departments, villagers have been made to attend legal literacy camps with legal literacy materials being provided and meetings have been held with the Sarpanch of the village. The Clinic is now expanding the activities within the village as well. Currently, most of the members working in these five villages have been successful in bringing a positive impact in these villages.

**Labour Colony Project:** There was a disturbing incident at our campus where children from the labour colony were seen begging outside the convenience store. This is yet another

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<sup>94</sup>Activities of the Legal Aid Clinic at Jindal Global Law School, available at <http://www.jgu.edu.in/JGU/CMS/Community-Engagement/Legal-Aid-Clinic>, last visited on December 10, 2016.



glaring example of the harsh realities of the society we live in. We took it upon ourselves to admit them in the nearby school at Jagdishpur village. The members of our Clinic formed a team of ten, visited the labour colony, fixing up a meeting with all residents the very next morning. We convinced the parents about the importance of education, and they agreed to get their children admitted to the nearby school. We then spoke to the principal of the school; she refused to get them admitted. So, we met the district authorities, got a written approval from them, and got the names of the children registered in the Jagdishpur School. All of this was accomplished over a weekend.

**Collaborative Efforts in association with Navjyoti India Foundation and Institute of Rural Research and Development:** The ‘Good Governance through Citizen Participation’ model is being implemented in many villages of Mewat with the help of the efforts of IRRAD in Mewat and has been instigated in the Abhaypur and neighbouring villages, with the help of Navjyoti India Foundation. JGLS has collaborated with both the NGO’s to effectively work in the training sessions being organized for the villagers on a weekly basis in all these villages. Recently, a legal literacy camp was organized in Mewat, wherein members of the society visited this camp, actively participated in the event and submitted a report. It is pertinent to note that the initiative by JGLS and IRRAD in Mewat began with five villages and today it has reached more than two hundred villages within Mewat. Similarly, the much recent initiative by Navjyoti and JGLS has its presence in five villages with active participation by our members.

**Case Study of the Citizen Participation Clinic conducted jointly by Cornell International Human Rights Clinic and Jindal Good Rural Governance and Citizen Participation Clinic**

This report seeks to encourage the development of robust clinical legal education programs in India. This report was a joint class taught by video conference at Jindal Global Law School, Sonapat, India and Cornell Law School in Ithaca, N.Y. from January to April 2012. This class was called the Cross-National Rural Governance and Human Rights Clinic and was a joint project between the Citizen Participation Clinic at Jindal Global Law School and the International Human Rights Clinic at Cornell Law School. It was drafted by students who participated in a unique collaboration between the Human Rights Clinic at Cornell Law School and the Citizen Participation Clinic at Jindal.

**Najafgarh Project:** We are working with Urja - one of the local NGOs in the area. We provided them backhand legal support. Following activities were embarked upon

Awareness camps were held wherein our students went and appraised people about their legal rights.

We got in touch with the local schools and worked towards securing more admissions for the children.

We were in the process of developing sanitation and health model but unfortunately the local office of the NGO had to be shut because of local resistance and hence work couldn't be pursued. However, we'll resume back the work once the NGO starts functioning again in that area.

**Sanitation Awareness Camp:** The sanitation camp was held in the government secondary school of Jatheri. The students studying in the school are basically from the lesser-privileged part of the village, majority of which are girls as the children of the affluent families go to the nearby private school. We explained to them with the help of Mr. Dilbag (Sanitation Project Manager, Sonipat), the benefits of hygienic practices and the benefits of constructing a toilet in their homes. We interacted with them and asked them questions relating to the camp. The Additional Deputy Commissioner of Sonipat also attended the camp and guided the students. He advised us to continue our work towards and sanitation and follow up with the progress in Jatheri.

Visit to Jhuggi Basti, PaschimVihar in New Delhi to investigate a case of domestic violence and informed the victim about the various recourses available to her under law.

**Conferences/ Conclaves:** First International Conference on Good rural Governance through citizen participation, collaborative effort of Jindal Global Law School and Institute of Rural Research and Development.

Second International conference on Good rural Governance through citizen participation - Organised by formation of a student organising committee.

M. Salgaocar college of Law, Goa: This College organized a conference in Goa, within its campus, on the study of practices followed by law school based legal clinics, in collaboration with UNDP. It released the report prepared by it titled, 'Law School based Legal Clinics'.



NLU, Jodhpur: Jindal Global Law School along with the Institute for Rural Research and Development organized four regional conferences in law schools across the nation, in a span of one year, on the topic of good governance through citizen participation.

Conclave of Law Professors and Law Students: it was the First JGLS Conclave of Law Professors and Law students. The conclave marked the release of the report titled, 'Cross-National Human rights clinic and Rural Governance Clinic'. This report was released after an extensive field survey and field visits over a period of four months. This report highlights the visits to the Navjyoti India foundation every Sunday, for four months. Two reports were submitted on Right to Food and Right to Education to the Food Commissioner of the Supreme Court and the Member- Secretary of the National Commission for Protection of Child Rights respectively. This conclave saw active participation law professors, lawyers, and people from NGO's and students from other law schools as well.

### **Other Programmes**

- Training sessions within the campus for more than 100 women participants from Kurukshetra.
- Organizing the annual conference by Global Alliance for Justice Education.
- Organizing an event on Gandhi Jayanti, within campus, 'Revisiting the Gandhian Era'.
- Painting Competition for students from Senior Secondary Government High School, Jatheri.
- Shadow Liberation- Theatre Group- Performances (under the mentorship of Prof Latika Vashist). We formed the organizing committee, and successfully organized the event.
- Juvenile Justice Bill by Prof Ved Kumari.
- "Killing with Impunity: Rethinking 'Honour' in Honour Killing" by Jagmati Sangwan.
- "How US Foreign Corrupt Practices Act affects companies in the developing world" by Ms Elleen Radford.
- In-house Certificate Workshop on Right to Information Act.
- Filed petitions in National Human Rights Commission.

- Resolved dispute between Vodafone and a consumer by writing petition to Consumer Redressal Committee.
- Launched the blog for Legal Aid Clinic and invited articles from the student community.

**Achievements of the Clinic**

- GAJE, shortlisted it among the top three entries, for its award for clinics.
- M. Salgaocar College Along With UNDP has recognized it as the best model being followed by any law school in India.
- Best Innovation Award by a Private University, World Education Summit, 2012
- Awarded by the South Asian Association of Law Teachers.

**Future Initiatives/On-going Projects**

- Organizing the third international conference on 'Good governance through Citizen Participation'.
- Carrying out further activities (E.g.: street play) in the villages adopted.
- Organizing legal literacy camps at Jhuggi Basti, PaschimVihar in New Delhi.
- Initiating a helpline for free legal aid.
- Collaborating with AIDWA (All India Democratic Women's Association) to submit a report to the Law Commission for making IPC gender neutral.
- Organize more radio programmes with the aim to educate students on campus about public participation in governance.
- Tie-up with various Non-Governmental Organizations and invite them to campus for seminars/ guest lectures/ discussions.
- Create a mobile app for providing legal aid for women.
- Organize legal literacy camp for women empowerment in Jatheri village in association with National Commission for Women.

Organize legal awareness camp in Jhugi Basti, PaschimVihar in association with Breakthrough.



## **Annexure 6 - Clinical Legal Aid Activities at Symbiosis Law School, Pune<sup>95</sup>**

1. 6th August 2014, Release of Information booklet on Women Protection: Janwani, in collaboration with Women's Cell, Pune Police and Symbiosis Law School Pune (SIU) has prepared a handbook on 'Women Safety in Pune', made the content development.
2. Initiated the legal empowerment programme with the NGO – Saheli which works for 4000 commercial sex workers in Pune. A resource material in Hindi was prepared by the students
3. On 4th and 5th Sep. 2014, empowerment programme for 250 female IT employees on "Women Safety and Awareness" was organized by Legal Aid, Literacy & ADR Cell of SLS Pune in association with Janwani at Gallagher Operations Support Services Pvt. Ltd.: here ---faculty and ---students engaged as resource persons/volunteers
4. Vidyarathi Abhiyan-Internship with Police –Date: 27th September -10 Oct 2011 coordinated by Group Leader: Chandan A. Mahamuni (LL.M-II Roll No.26) and Someshwar Wale. Number of Internees: 50 students. The internship included the orientation to police diaries, court registers, documents, site visits, participation in the live raid etc.
5. Operation "Mission Mrutunjay"- 2nd September 2013 -2014 -SLS Students participated in the Operation "Mission Mrutunjay" by Pune Police. Approximately 45 students have registered to volunteer the police in the national interest. As a part of this activity Deccan Police station had organized a session at Garware College, Pune and invited various student volunteer to participate in the orientation on Bomb Squad Unit.
6. In furtherance of the 'Swachh Bharat' campaign, instituted by our Hon'ble Prime Minister Mr. Narendra Modi, on the 17th of November, 2014, Symbiosis Law School, Pune, and Symbiosis College of Nursing, jointly took the initiative of cleaning up the banks of the Mula-Mutha river in collaboration with Pune Municipal Corporation. Over 120 students participated in the campaign.
7. Date: 19/07/2013 Participation of Students in Vanarai Amrut Varsha Mahotsav (Paddy Sowing) at Village Malavali. The participation was facilitated for students with the objective of creating awareness among the student community to make them understand

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<sup>95</sup>Symbiosis Law School, <http://www.symbiolaw.ac.in/legal-aid>

- the nature of paddy cultivation as well as to appreciate the hardships that farmers go through.
8. Organized a study visit for the students of 1 Year BA/BBA LLB (284 students) to Maharashtra Judicial Academy in Thane. During the visit, students participated in a Capsule Course on 'Judicial Process, Judicial Reasoning/Decision Making and Judgment Writing'.
  9. Open Consultation was organized by SLS, Pune as part of its Law reform initiatives on 'Recommendation for Prevention of heinous crimes against women with reference to Rape and Sexual assault' for Justice J. S. Verma Committee on 3rd January 2013.
  10. Conducted capacity building course by Dr. Shashikala Gurpur and group of faculty members of SLS, Pune for prison officers of including 8 Dy. SPs and 87 constables (Jail Officers Training School, Yerwada) from 23rd August 2012 onwards.
  11. Oct 2nd 2014 Global Shapers Community and SLS (SIU) celebrated PEDESTRIAN DAY. Volunteers approached citizens to take a pledge on Gandhi's birthday - 'Whenever we walk, we only walk on footpath and whenever we drive, we only drive on road'. He walked for whole nation, we requested citizens to walk for their healthy life.
  12. The Legal Aid Cell, Symbiosis Law School, Pune in collaboration with Alexis Preshti, an initiative that works for Prison Rights and Prison Reformation in India, conducted street plays across Pune to bring about awareness on the rights of the prisoners in India and the importance of rehabilitating prisoners back into the society.
  13. On 17/04/09 SLS Pune and (CLRN) Project team members along with NGO-PCGT (Public Concern For Governance Trust) conducted a awareness programme at Paud, Pirangut on the topic- 'Right vis-a-vis duty to Vote'.
  14. Between 18th May- 21 May 2010 a programme as 'Mahatma Gandhi Tanta Mukti Gao Yojna' at Pirangut village was conducted where in 8 matters were settled by learned panelists comprised by advocate, retired judge , faculty , social activists.
  15. On 2nd Jan. 2010 Adv. S. Madke delivered lecture and gave consultancy to Pirangut villagers on the 'Rights of the Consumer and Use of Lok Adalat' at Bhairavnath Temple, Pawale Gali, Pirangut. Prof. Abhijit also accompanied Adv. Madke in the consultancy.



16. Research sharing and discussion on the research project 'The Pursuit of Economic and Social Rights in India's Lower Judiciary' National Centre for Advocacy Studies (NCAS) in Maharashtra; by the Centre for Social Justice in Gujarat and by Jagori Grameen in Himachal Pradesh dated 28th Feb 2013. In this project SLS provided legal aid and assistance to the farmers of Ruigavhan, Taluka -Karjat, Dist- Ahmednagar with respect to de-reservation of the land to Great Indian Bustard sanctuary.
17. Paralegal volunteers : capacity building-Para-Legal Volunteers at Shivajinagar District Court, Pune was conducted on 15/03/2011 at Ashoka Hall, Shivajinagar District Court, Compound Two faculty members-Prof Subhada Pednekar and Prof Santosh Aghav were deputed by SLS Pune to address the participants at the Paralegal Volunteer Training Programme
18. Jail officers Training at Sayajirao Jadhav Jail Officers Training School (JOTS) Yerwada Aug. 2012 to Oct.2012 -carried out by various faculty members including the Director Dr. Shashikala Gurpur (Details of session in Annexure 3.6.1)
19. Law Reform Initiatives:
- a) Research Project on Advocacy Policy development on Adolescent boys in Sex work-Child protection. (2008)
  - b) Research Project with District Court to de-list Juvenile Undertrials resulting in release of 6 cases (2009)
  - c) Prison research on Foreign Prisoners (2010)
  - d) Law Reform input by Director as member of Law Commission of India (Nine areas of national significance during 2010-12)
  - e) Provided perspectives on various legislations to Ms. Vandana Chavan, Local MP (2012)
  - f) SLS Pune organized National conference of Judges and law professionals on access to Justice (2009)
  - g) SLS Pune organized National Consultation with Law Commission of India for Reforms in Justice Delivery system (2012)
  - h) Law Reform initiative with reference to Justice Verma Committee call for views re

Crimes against women (2013)

20. Project with NGO Saheli to create awareness on Human Rights : at Budhwar Peth –to impart legal awareness on Human Rights (translated in Hind) of sex workers and support to dependent children (ongoing since 2010)
21. Service learning Internships - More than 450 Students of Third year BA,BBA LLB during their service learning (Jan and March 2014-15) have contributed towards community empowerment in association with National, International organizations in various parts of India mainly working for various vulnerable class of the society- Child, Women's, Labour, Senior citizen, Third gender, Tribal's And also issues concerning human rights, environment.
22. Make A Difference Project : Students from SLS Pune and the Legal Aid Cell members in association with NGO Saheli conducted training programs on legal rights for commercial sex workers. A few International Students who visited SLS Pune on a student exchange programme, also participated in a visit to Budhwar Peth area Pune where such commercial sex workers were being trained on their legal rights.
23. Preparation of Legal Awareness Kit - Translation of a manual from English into Hindi which was provided to us through NGO Saheli.
24. Tech Legal Cell - awareness among students-cell has conducted various awareness programmes for students on basics of IP law and practice.
25. Social responsibility by helping, supporting victims of German bakery blast in pune- Coordinated blood donation camp; provided shelter to relatives / parents, arrangement of food, conveyance; liaison with government authorities to get the compensation and support
26. Cloth collection for poor , pet adoption during Symbhav –annual fest
27. Crisis Management- helping student and community to support during calamities, accidents, public disturbance



**Annexure 7 - Clinical Legal Aid Activities at Centre for Constitutional Law, Policy and Governance, NLU-Delhi<sup>96</sup>**

**CLPG-DELHI HIGH COURT LEGAL SERVICES COMMITTEE PRISONS PROJECT**

CLPG is collaborating with the Delhi High Court Legal Services Committee to work on a project which involves studying undertrial incarceration in Delhi, preparing periodic reports on the status of each case, documenting the causes of delay (if any), compliance with guidelines and laws, and availability of bail for the person. The Centre will also prepare a policy proposal based on these cases highlighting systemic concerns and blockages in the criminal justice system, and providing suggestions for reforms. This project is funded by the Delhi High Court Legal Services Committee.

**CLPG-DAKSH RULE OF LAW PROJECT**

Daksh India is working on a "Rule of Law" project which studies the problem of judicial delay, particularly the pendency of cases within the Indian legal system. This project uses publically available data pertaining to court cases to build a user-friendly database. The aim of the project is to enable research and public debate on the topic of judicial delays and to identify meaningful and sustainable solutions to tackle the issue of judicial delays.

CLPG and Daksh are collaborating on analysis of the data available with Daksh, as well as other publicly available data on the Indian judiciary. CLPG and Daksh will provide data-driven inputs into debates and discourses around judicial reform in India. CLPG and Daksh will also collaborate to make specific interventions in the field of judicial reform through other means, such as making joint proposals for research projects and funding, jointly undertaking to write policy papers, organizing colloquia and conferences, jointly publishing research work on the issue etc. Daksh has funded the hiring of a research fellow to work on this project.

**PROJECT ON EMPIRICAL ANALYSIS OF SUPREME COURT DECISIONS :**

This research project, funded by the University of Chicago, is a collaboration between Dr.

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<sup>96</sup> Centre For Constitutional Law, Policy And Governance, NLU-Delhi, available at <http://nludelhi.ac.in/res-clpg.aspx>

Aparna Chandra, Research Director of the Centre, Prof. Sital Kalantry (Cornell Law School) and Prof. William Hubbard (University of Chicago Law School). The project is an empirical analysis of the functioning of the Indian Supreme Court by examining all reported decisions of the Court in the period 2010-2014.

**MONITORING AND EVALUATION OF IMPLEMENTATION OF THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2006**

The Lawyers Collective Womens' Rights Initiative and the Centre for Constitutional Law Policy and Governance are collaborating on an empirical study analyzing the working of the Protection of Women from Domestic Violence Act, 2006. The project involves an analysis of orders passed under the Act, by courts across the country.

**Prisoners' Rights Manual**

The Centre is collaborating with Human Rights Law Network to revise and update HRLN's Prisoners' Rights Manual. These manuals provide ready reference material for lawyers and civil society organizations working on the issue of prisoners' rights.

**FAIR TRIAL MANUAL**

The Centre is collaborating with the Commonwealth Human Rights Initiative to revise and update the 2010 edition of CHRI's "Fair Trial Manual: A Handbook for Judges and Magistrates".

**INSTITUTIONAL PEER REVIEWER FOR INDIA EXCLUSION REPORT**

The Centre has been requested to be an institutional peer reviewer for the India Exclusion Report, 2015 being brought out by the Centre for Equity Studies.



## **Annexure 8 - Clinical and Legal Aid Activities at Institute of Law, Nirma University<sup>97</sup>**

ILNU has set up a Legal Clinic for providing legal Aid to the deprived class. It conducts Legal literacy camps to bring about legal awareness. Different committees of the students have been formed to explore different areas where the legal aid is required.

### **Legal Aid Clinic, Sabarmati Jail**

During the year 2013-14, the team of faculty and student members have visited 40 times the Clinic Centre at Sabarmati Jail on regular basis and attended 576 prisoners. The team assisted 16 prisoners in getting free legal advocates by which their cases have been started and number of the prisoners released on bail and bond. Total 560 prisoners have been given advice through the counselling sessions.

Besides, the students of Legal Aid Clinic at ILNU have also rendered their counselling services to 3 different persons according to the specific needs of their cases.

### **Legal Awareness programme at Sabarmati Central Jail**

The clinic also organized two legal awareness camps at Sabarmati Jail – one for convicted and one for under-trial prisoners. In both the camps there were a total of 610 beneficiaries. Legal awareness was addressed by performing various skits on Plea Bargaining, Probation, Bail and Legal Aid, juvenile Justice, schemes of the government for welfare of prisoner's family and duty of prisoners. The clinic had the honour of receiving Hon'ble Mr. Justice A.J. Desai, Judge, High Court of Gujarat, and Hon'ble Mr. Justice A.G.Uraizee.

### **Other Programmes for Legal Awareness**

The Clinic has also organised 4 local programmes for spreading legal awareness in the nearby villages of Charodi, Jagatpur, Gota, Paldi whereby the students made an attempt at spreading awareness amongst the people about their rights under free legal Aid, Child labour, Right to vote and Women Rights. These camps were held in the month of March. Whereby, a total no of 60 beneficiaries attended the programme.

### **The Litigation Free Village Camp and The legal Awareness Camp at Kherana**

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<sup>97</sup> Legal Aid Clinic, Institute of Law, Nirma University, available at <http://www.nirmauni.ac.in/ilnu/LegalAidClinic>

The Legal aid clinic has succeeded in declaring one village free from any litigation in association with Surendranagar District Legal Service Authority. The clinic at Institute of Law, Nirma University also organised a Litigation Free village in association with District in Kherana village in Chotila on 6th October, 2013 where one programme on legal awareness was conducted followed by one mediation awareness programme for the parties whose civil litigations are pending in appropriate court.

**Clinical Legal Education:** ILNU's clinical legal programs are designed to develop professional, advocacy and lawyering skill for students. Most courses include a clinical training component in the form of class exercises wherein hypothetical case materials are used, supervised casework, mock court exercises, legal aid clinic etc.

### **Mediation Clinic**

Under the Centre for Alternative Dispute Resolution (ADR), students get an opportunity to enhance their skills and gain actual experience in arbitration, mediation and other ADR mechanisms. Through this exercise, ILNU students under the supervision of the faculty were successful in making Kherana village in Surendranagar completely litigation-free.

The teaching policy emphasizes on field based projects and interaction with law practitioners by providing opportunities to the students to work with Lawyers working in Trial courts, High Courts, & the Supreme Court as well as NGOs. Through this experience, students acquire knowledge and skills for effective advocacy while supporting the critical work of these organisations.