CHAPTER V

LEGAL AID AND LEGAL EDUCATION: THE PREVENTIVE PERSPECTIVE

(A) INTRODUCTION

Legal aid to the poor is one of the important question which has continued to engage the attention of many jurists, sociologists, doyens of the Bar and members of the High Benches as well as institutions, already in the field. It is an acknowledged fact that a comprehensive and dynamic programme of legal aid is absolutely essential if justice is to be made accessible to all. In modern social welfare state, it is one of the primary responsibility of the state that justice must not only be speedy but it should also be cheap, so that the poorest of the poor can have a direct access to it. Thus effective access to justice is one of the fundamental requirement of an egalitarian legal system. To effectuate this social justice mission, it is necessary that this system of providing legal services is made broad based by redesigning and re-orientation of infra-structural facilities required for the purpose of the accomplishment of this task. Therefore, the legal services should not be treated merely as legal assistance in litigation but should include other things such as legal advice, arbitration and conciliation, creation of legal awareness and assertiveness in the masses, promotion of meaningful community participation in legal and national development and reform of law and legal process. For carrying out this entire operation it becomes essential to involve law-colleges,
legal and clinics and other professional and non professional organisations in the process. All these institutions/agencies can play a vital role in providing assistance to this gigantic programme of providing justice to the poor and neglected fellow-citizen of our country.

The present chapter deals with the preventive perspective of legal aid programme. As we all understand, one of the basic content of an effective legal aid programme is to make people aware about their rights and duties and generate a non-litigative zeal in them. In this context, the legal education which is being imparted in hundreds of law colleges of the country and the thousands of law-students who come out of these institutions can play a vital role. Therefore, it is proposed to examine critically the various facets of legal education and also to find out as to how it can play a role in spreading legal literacy so as to achieve the desired objective. What precise role can be assigned to various legal institutions of the country which are engaged in the process of imparting legal education? How these institutions which include law-colleges and legal aid clinics can play a decisive role in strengthening legal aid programme and prove as effective alternative for the existing infra-structure? Do we have any national policy or a programme of legal aid where such legal aid clinics can play a meaningful role? Can the professional lawyers help in making the programme a successful venture? If so, how? Do we have any organised legal profession in the country which may have the missionary zeal for making this venture a
success? Do we have something like 'Lawyers-Forum' at various levels as they exist in some of the foreign countries to help the poor and indigent litigant? Do we have voluntary organisations in the country which may champion the public cause and take up the problems of downtrodden and deprived section of our society? If yes, what actually is the mode of working of such agencies? To what extent, such agencies have succeeded in taking up the cause of sufferers seriously? How can we make this entire scheme of legal services more purposeful and meaningful to the disadvantageous section of our society? All these questions are proposed to be answered in this chapter.

(B) ROLE OF LAW COLLEGES

Law colleges or law schools as we may call them can play an important role in accelerating the process of legal services to the poor. In a country like India where half of its population is groaning under poverty and the poor have no access to justice delivery system, the law-colleges can play a very useful role by involving themselves in the legal aid programmes. This type of involvement of law students would not only help in promoting the cause of legal service but will also give to the young students a sense of identification and involvement with the cause of the poor. The experiment has been tried in countries like the United States of America, United Kingdom, Canada, Zambia, Indonesia.
and Ceylon etc., and the results have been quite encouraging. Here an attempt is being made to examine the pattern of legal education in India, the role of law-colleges in imparting the said education and the extent to which law colleges can be involved in the implementation of legal aid programme.

(a) **Pattern of Legal Education**

The question is what actually is the basic pattern of imparting legal education in India? It may be stated that presently more than three hundred and fifty law colleges/departments are involved in the process of imparting legal education to the students. A majority of these institutions are run by private management and are affiliated to the various recognised universities of the country. Any person possessing a bachelor degree in any of the recognised discipline is eligible to apply for admission in a law-college. The courses to be taught are designed with the approval of the Bar-Council of India. The syllabi includes a wide range of subjects. The duration of the

studies is three years. However, the minimum percentage of marks at the Bachelor Degree level requirement for seeking admission in a law-college is 40 per cent. The minimum percentage of marks required for passing out the examinations is 45 per cent. In the affiliated colleges, it is easier to find a entry while in the college/departments run by the universities, the admission to the law-course is strictly on merit as these institutions have a limited number of seats. The basic thrust is not on the quality of legal education but the quantity aspect looms large. The resulting effect is that a majority of these institutions have no basic infra-structural facilities including the staff for imparting a proper legal education to the students. After passing out the required examinations the students obtain an LL.B. degree which enable him to join legal profession.

2. The pattern presently prevalent is divisible into two categories viz. B.L. (general) and LL.B. The first is a two year course followed by an examination. Candidates passing the examination are Bachelor of Laws. They cannot practise as Advocates. Those desirous of legal profession have to put in another year, followed by examination. For details, see Phiroza Anklesaria, Legal Education in India, All India Reporter, 1982 (Journal), at 129.
Legal Education and Legal Aid

The question that arises for consideration is; what role the existing law-colleges with thousands of teachers and students can play in assisting the gigantic programme of reaching justice to the poor? In other words, can our teachers and the future generations of our law students contribute something substantially in promoting the constitutional philosophy of legal aid to the poor? Can't some of the law-course be designed in such a way that they help in creating a cadre of poverty lawyers competent to run a nation-wide legal service programme? It may be stated that the present set up of legal education is by and large concerned with producing lawyers who are expert in litigation-oriented skills. The other aspect which visualises a wider role for the lawyers so as to promote or equip them with divergent skills, perspectives and tools, has not received adequate attention. In the present day changing socio-economic structure of our society, the traditional role of the lawyers cannot be of much help in promoting the cause of legal education and thereby making the future lawyers professionally competent to handle the problems of the under privileged. What is needed is that the present system of our legal education has to be designed in such a way that it is made poverty oriented, multi-disciplinary and takes into account actual social-conditions. Legal education without a socially relevant purpose cannot play a meaningful role in making a lawyer professionally competent.
In some of the foreign countries the law students are exposed to the practical problem from lecture hall to the world of lawyers, judges, prisoners, police, court-staff and litigants. They are given a full opportunity. They gain the necessary experience and develop skills by closely examining legal problems, court procedures and skills of advocacy. In some of the law-colleges of the country, a programme of clinical education is also run. The basic skills which a student acquires or the knowledge which he gains, plays an important role in the successful functioning of legal service clinics which are run in such law colleges under the supervision of experienced law teacher. This takes us to a detailed examination of the actual role of legal aid clinics in rendering legal services to the poor.

C) ROLE OF LEGAL AID CLINICS

It is an undisputed fact that the law students can make significant contribution to the success of legal service programme by engaging themselves in the legal service clinic. These clinic can afford them an opportunity to develop professional skills. It is also an admitted fact that our existing legal profession is heavily inclined towards the rich. The law students participation in legal aid clinics will not only make them professionally competent but will also generate in them new skills and values favourable to the weaker sections which may help in promoting the real cause of legal aid to the poor.
Meaning and Objective of Legal Aid Clinics

The clinical legal education has gained a new momentum in the past few years. The term "Clinical Legal Education" is capable of many definitions. Talking in very narrow sense, it means the involvement of law students in the representation of actual clients as a part of their legal education. In a broader sense, the term includes, more structured methods of instruction which emphasised the learning of "practical skills" in addition to substantive and procedural rules of law, usually in ways which involves students active participation beyond that normally found in lecture classes and tutorials. In short the very concept of clinical legal education is based on "Learning by Doing."

The clinical legal education has been described as a programme of great promise. Thus, the need for clinical legal education cannot be over emphasised. Though legal aid clinics have never formed part of the curriculum of legal studies but there have been clinical work in law colleges or law departments through moot courts, mock-trials and other


4. Ibid.
related programmes in advocacy. In the United Kingdom, initially there was no idea of clinical education. However during the last century, the need for teaching some of the basic discipline and courses was considered as essential to make the persons a lawyer. In United States of America, Ceylon, Indonesia, Zambia, Chille and Costa Rica the legal service clinics are performing variety of functions and the law students have made significant contributions to the success of the legal service programme by rendering direct assistance to the weaker sections of the community.

In India, the legal education has remained primarily confined to theoretical aspects of the law. Though in recent years, some advances have been made in clinical legal education. It was in Delhi that the very idea of a legal service clinic in the law-faculty was born. The idea did not die down but in June 1972, it was given a concrete shape and provided the basis for the establishment of the students legal service clinic of the Delhi Law School. It was in the same year that the faculty invited lectures including lawyers, judges, social-workers, sociologists and law-teachers for having a discussion on wide range of subjects like law and poverty, legal aid and social responsibility of the profession, clinical legal education and socio-legal-

5. Id., at 28.
6. See Supra note 1, at 160-61.
research, organisation of the legal profession in India, the civil and criminal judicial processes, costs and delay in litigation, law students and legal aid etc. It was practically this initiative which received a wide support from all quarters and helped in consolidating the clinical education programme in the faculty. The clinic has been functioning since then and has handled many problems concerning criminal, matrimonial, civil, labour and service matters. Similarly, the Gujrat legal Aid Committee felt that the association of law students in the task of rendering legal services would not only help the cause of legal services but also will give to the young students a scheme of identification and involvement with the cause of the poor.

The Tamil Nadu Legal Aid Committee also observed in its draft scheme for the state that student legal aid clinics should be started wherever the facility existed in the law-colleges.

7. For more details, see N.R. Madhava Menon, Supra note 3, at 108, 110.

8. Quoted from Expert Committee Report, supra note 1, at 155.
participants in the National Legal Aid Conference held in New Delhi in 1970. In 1972, the 12th All India Law Teachers Conference laid a great emphasis on clinical legal education and establishing some good legal aid clinics in the law colleges of the country.

The principal objective of establishing Legal Aid Clinic in the law colleges have been to improve the standard of legal education and preparing the students for the practice of law by affording them an opportunity to develop such skills needed in a lawyer. The students gain exposure to actual cases and to the lawyers problem in dealing with litigants. He gets an opportunity to overcome many problems and becomes familiar with the technicalities of court-procedure by taking part in pre-trial preparations. These skills are obviously acquired by the students under the proper supervision of an experienced law-teacher and practitioner. The other objective of clinical education enables a law student to contribute more to human perspective. Students contact with poor and indigent clients through participation to Legal Service Clinic can contribute to a more human perspective. This also helps in removing suspicion or mistrust from the mind of a client belonging to the weaker sections of the community. Once the law-student

9. Ibid.
come into direct contact with the poor in a Legal Service Clinic, it would provide him a chance to develop correct attitude and sympathies in the minds of those poor and deprived peoples. Further these clinics would give social-orientation to law students. Thus their participation may prove to be rewarding. Lastly the involvement of students in clinical legal educational would ultimately help in creating an army of legal aiders and thereby help in promotion of social justice.

(b) Legal Service Clinic: Structure and Operation

What should be the exact structure of Legal Aid Clinic vis-a-vis its modus operandi? Where it should be located? What types of clinical legal aid programme should be undertaken by said clinics? To what extent, the involvement of law students and law-teachers should be permitted in such clinics? Since, the entire scheme of clinical legal education is of recent origin it would be appropriate to examine some of the models of legal aid clinics operating in some of the foreign countries.

In Zambia, the Practice Institute came to be established in 1968. This was in response to the concern that the traditional apprenticeship was not providing adequate opportunities for African to qualify for practice. The
institute designs courses for law graduates to enable them to find an entry in the professional market. The methodology adopted is very interesting. A typical exercise is described as under:

"The instructor himself takes the place of a client and allows himself to be interviewed by the students. They take instructions or explain a legal problem to the client and after this has been completed, the instructor explains improvements which could be made in the students' methods of handling. After taking instructions, the students are required to do the necessary work by themselves with the instructors in the vicinity to give help when needed. This method is intended to reproduce the atmosphere of a practitioner's office and thus to give the students the practical experience they require."

10. The following courses are taught in this institute. (1) Professional Conduct and Ethics, (2) Bookkeeping with office-method, (3) Conveyancing and legal drafting, (4) Probate, succession and Bankruptcy, (5) Company law and procedure, (6) Commercial transactions and Income Tax, (7) Civil procedure, (8) Domestic relations and (9) Criminal law and procedure.

11. Quoted from Menon, **Supra** note 3, at 90.
The institute programme is a combination of a number of elements of clinical instructions, a post graduate training course, a student legal aid programme and an internship in government service. This venture is running successfully as there remains a shortage of lawyers in Zambia.

In Costa Rica, there is a compulsory participation of students in legal service programme. All students are required to work for the legal service programme towards the end of their law school courses for about 22 months. This is in addition to their traditional course work. Legal aid clinics are headed by Attorney Directors. The duties of the students include receiving and interviewing the clients, collecting the factual data and preparation of all documents required for submission to courts. This entire work is done under supervision of the director of each legal aid clinic. The university of Costa Rice is the only agency which provides for an organised scheme of clinical legal Education and legal services to the poor.

In Ceylon, the students legal aid programme at the Ceylon law college has been in operation since 1970. The programme involves final year students and those serving their compulsory apprenticeship. The Colombo Legal Aid Centre which is located near the law college interacts in running

12. Id, at 91, 92.
the programme and once in a fortnight each student is required to interview legal aid applicants at the above Centre or in one of the prisons in Colombo area. Thereafter, the student has to submit a report which is examined by the programme supervisor who is usually a member of the law-college and legal aid centre before being sent to the practitioner who takes up the case on behalf of the centre. However, students cannot themselves appear in the court. At the law-college, a research-cell has been established and the programme is funded by the governing body of the law college.

In Canada, the system of legal aid has been made part of course-study and the student can undertake the courses on a voluntary basis. According to an information, in as many as, eight of the provinces, law students are participating in the running of legal service clinics. The basic objective is to meet the unmet legal needs of the poor and also to provide an opportunity to the students to develop in themselves the necessary legal skills required for the profession. The government gives substantial grants to the clinics run by the law schools.

13. Id., at 88, 89.
In the United States, one finds a large variety of models for law school clinics. One common type is the clinic located at the law school where students handle cases for indigents under the direct supervision of a practitioner. They interview clients and follow up their cases even in courts wherever the rules permit. The Neighbourhood Law Office, established under the Economic Opportunity Act of 1964 and operated under several staff attorneys also provide an opportunity for students participation in Legal Aid work. This system has been continued even under the Legal Aid Corporation Act, 1974. There are also clinics sponsored by a law-agency to solve the individual problems of its members or other poor people. The other model is the Law Reform Institute. A law school legal aid clinic can be converted to this model by eliminating the general service function. Then there are Law-students Internship Programmes with a governmental or a private agency like Municipal Board, Consumer Council, State Department of Foods and Drugs etc., where students undertake specific tasks including field investigation. Each of these clinical programmes have a goal of public service coupled with legal education for
responsibility.

In India, though some initiatives have been made, but the Clinical Legal Education has yet not gained momentum. The Legal Aid Clinic of the faculty of Laws of Delhi University is perhaps the oldest clinic established in the seventies. The credit for this goes to Prof. Madhava Menon, who played a pivotal role in laying the foundation of Legal Service Clinic in the Delhi Law Faculty. The Delhi clinic operates in the same way as the law school clinics in the United States with the noted difference that in India neither the students nor the teacher participating in the programme can appear in the courts on behalf of the poor clients. The experiment has been successful and the clinic

15. Id. at 68, 69. In the United States hundreds of universities are running legal aid clinics and the programme has received a wide acceptance of the students which has helped them in acquiring the necessary practical experience and developing professional skills. Many states in America have passed statutes enabling students participation in court-proceedings. See S. Rangarajan, Clinical Education for the Law Student, supra note 3, at 19.

15a. Professor Menon is presently the Director of the National Law School, Banglore (India).
is now providing free legal services in Court through a large number of practitioners who are impaneled with the clinic. It is also engaged in research surveys so as to find out the legal needs of the poor and the nature and extent of legal services needed in the criminal cases. The Delhi Law School has also introduced course like, "Law and Poverty" and "Law and Society" in the LL.B./LL.M. curriculum which is expected to go a long way to add a new dynamism to the clinical education. Further, it is also carrying the mission of 'Legal Literacy' and 'on the Spot Legal Advice Camps'.

This experiment has been followed in some more universities and law college of the country. The M.S. University of Baroda, in Gujarat, the Punjab University in Chandigarh, Guru Nanak Dev University in Punjab, Kurukshetra University and Maharishi Dayanand University, Rohtak in Haryana, Banaras Hindu University in Uttar Pradesh, Dr. Ambedkar Law College Aurangabad, D.N. Law College, Sholapur, 

For details, see Report of the legal Aid Clinic, Faculty of law, University of Delhi, Published in Delhi Law Review, Vol. 12, (1989-90), at 163-64. There are reports of Students Legal aid Clinics now functioning on an optional basis in Renukacharya Law College, Bangalore and Government law College, Calicut.
and Law College Poona in Maharashtra and College of Law
Udaipur in Rajasthan. In the state of Assam, Legal Aid
Clinics have been in operation, in as many as, 11 law colleges
of the State. In the Union territory of Pondicherry, the
Legal aid clinic is functioning in the premises of court
building and a Legal Aid Cell is operated from the Government
Law College. According to the available information, there
are more than 60 Law Colleges in the country which have
legal-aid clinics in operation. In some places, they have
been integrated with the law curriculum and students are
regulated by academic grades for their services. The
experiment has also helped in building a true professional
approach in law students and help in inspiring the idea of
service to the community for doing justice to the poor. The
Central Committee for Implementing Legal Aid Schemes has so
far not succeeded in evolving an appropriate model for
institutionalising clinical legal education effectively
throughout the country.

17. See Bhagwati Committee Report, at 73; Legal Aid News
IV at 23; Legal Aid Newsletter (May to August 1988), Vol. VIII at 2.
Legal Aid Clinics: Problems and Prospects

While the need for starting Legal Service Clinics in the law-colleges and universities is being increasingly realised and there is a growing feeling amongst lawyers as well as academicians that something should be done so as to involve students in the Legal Services Programme by setting up legal aid clinics. No organised effort has so far been made in that direction. Though sporadic and unorganised efforts have been made which differ widely from Law College to Law College in their approach and objective, but the institutionalised approach to the whole problem of clinical education has not received adequate attention. The suggestions of the Bhagwati Committee for establishing a National Council of Legal Services Clinic at the national level and State Councils and Legal Services Clinics in each state for promoting and co-ordinating the functioning of Legal Services Clinic has barely remained on papers.

In view of the half hearted approach to the problem, several obstacles have come in the way of introducing Clinical Education in Law Schools of the country. Following are some of the problems which can be identified for the poor success of such clinic in India:

18. Ibid.
(1) We donot have an organised Legal Aid Apparatus in any of the law schools of the country. Similarly we also donot have an established tradition of legal aid to the poor. The total approach is causal.

(2) We donot have a cadre of qualified clinical professors who can contribute to the cause of legal aid and clinical training. This results in jeopardizing the usefulness of Law School Clinic for Legal-Aid work. There is no teacher in any of the law colleges or universities who has been exclusively assigned the work of Clinical Legal Education. Similarly, there is no fixed criteria regarding the number of students to be associated in the project. In fact, this all seems to be an optional exercise. A large number of law colleges in the country are being run as private institutions. A majority of such law-colleges are mere teaching shops run on business lines with marginal social utility and professional value. This has resulted in degradation of professional standards and production of law graduates who are absolutely unacquainted with the practical side of the profession. To involve such students in the clinical work becomes a difficult task because the institution lacks the basic infra-structural facilities as well as the environment.
No sustained efforts have so far been made to make clinical education as a regular feature of the LL.B. curriculum. One of the reasons which appears to be responsible for this state of affairs is that the clinical legal education has been considered as an expensive programme. This way the question of adequacy of funds for legal aid clinic is likely to meet with disfavor by universities or law-colleges administration unless a uniform policy is evolved by the University Grants Commission and the Bar Council of India. In a country like India, the level of mass-consciousness has not risen to such an extent where voluntary contribution may come for running such clinics. It is basically the Government which will have to take a lead to spare its funds to Law School Legal Aid Clinic. Though the Committee for Implementing Legal Aid Schemes, gives a part-time financial support for running some of the legal aid activities by such clinic, but such grants are totally inadequate to run the programmes in an organised manner.

Besides the above-mentioned problems of Clinical Legal Education, the other difficulties which are being countered in this context relate to the mechanics of integrating clinical programmes with the general courses of study, the mode of evaluating students performance, the relation of clinical study with other academic courses as
well as the enforcement of standards of professional ethics.

To solve these problems being faced by the existing Legal Aid Clinics, the following suggestions may help in easing the situation:

(i) Legal aid clinics should be started only in selected law colleges with a limited number of students keeping in view the infra-structural facilities, as well as the aptitude and academic merit of students. A co-ordinating agency besides the CILAS, should be established for monitoring the performance of such Legal Aid Clinics. These clinics should also receive full financial support from such agency.

19. For a penetrating and suggestive approach to improve upon the existing pattern of clinical aspect of our legal education, see Madhava Menon, supra note 3, at 25-38.
(ii) It is imperative that a cadre of clinical law teachers is evolved who would specialise in running Legal Aid Clinics and supervise the students under their guidance. To make this programme successful it is necessary that the Indian Advocates Act, 1961 is amended and the representation of such teachers/students who are associated with these Legal Aid Clinics should be allowed in the courts for handling cases of indigent litigants sponsored by the said clinics. A Senior lawyer can also be associated with the said Legal Aid Clinic with the permission of the Judges in whose court the case is heard.

(iii) The Bar Council should introduce a system of compulsory internship in a legal services agency on a fixed honorarium in order to be eligible for enrolment as an Advocate. This will help the new entrants to invigorate in themselves a new approach, confidence and humanism in understanding the problems of the poor and also save them from professional exploitation by developing a minimum professional competence in them.

(iv) Courses having a direct relation with the clinical programme like 'Law and Poverty,' Landlord-Tenant Problems, Land Reforms, Matrimonial Matters, Consumer Protection etc., should be introduced as
optional subjects in the Law Curriculum of the Law College Department of the University.

If these suggestions are taken into account, it will not only improve the quality of Legal Services to the poor but will also improve the content and methods of Legal education in the country.

d) **Legal Aid Clinics: Some Recommended Models**

What particular model of Legal Aid Clinic will be suitable in our country is a question which cannot be answered so easily. There is no doubt that the entire process involves experimentation with a variety of models which may be considered as suitable keeping in view the varying needs and conditions operating in the different parts of the country. Here, it would be useful to discuss some of the common elements which may be considered as fundamental for establishing such clinics. It must be admitted at the very outset that students participation in Legal Aid Clinics can become more effective if they are given responsible work, and allowed to appear in courts. Secondly, it is also essential that arrangements are made for a proper and effective supervision at least in the initial stages of the programme. Thirdly, the law-schools should develop a curriculum wherein the clinical experience of students may be further enriched. In the following pages, an attempt is made to examine some of the models of Legal Aid Clinics.
1) **Banaras Hindu University Model (B.H.U.)**

There are few models of Legal Aid Clinics in operation in our country and the model adopted by the law school of the Banaras Hindu University has been considered to be the most satisfactory. The most significant feature of the B.H.U. Model is that the legal Aid and Clinical education forms part of the LL.B. syllabus. The programme is confined to final year students. The basic idea behind this project is to enable the law students to learn by doing himself, the collection of facts, preparation of Legal documents, appreciation of evidence, examination and cross examination of witness in real life situations besides developing skills required in a professionally competent lawyer. Further, the clinic also provides an opportunity to the students to organise a programme of community education to promote a mere awareness among the downtrodden sections about their rights under the law.

Regarding the organisational aspect of the clinic of B.H.U., it may be stated that the clinic operates in the Law Faculty of the University under the overall supervision of the Dean of the Faculty who is assisted by an Advisory Committee comprising of teachers, lawyers, retired judges, social workers and officers interested in the public service. Students of final year are associated with the clinic. The

19a. Hereinafter referred to as BHU Model.
selected students have to offer the course of clinical education in their third year under the Faculty supervisor and successful students are given a certificate which is based on their performance in clinical education. The Dean of Law School has constituted a Clinical Legal Education Committee to organise and direct the clinical education programme under his chairmanship. The entire programme is run by a director who is a full time member of the Law Faculty and has been assigned full responsibility for organising and conducting the programme. The students are assigned specific cases of different categories like civil, criminal, revenue, tax and labour. Teachers belonging to different specialisations have been associated with the clinical programme to render services and guidance in handling the cases. The students involved in the Legal Aid Clinic are required to spend a minimum number of full days each week in the Court. The Law Faculty has provided for adequate office-space, secretarial assistance office equipment and funds to support and pay for clinical work of the students. The clients seeking assistance of the clinic which is housed in the faculty building is required to fill up prescribed forms.

The principal functions of the Clinic are, (1) rendering socio-legal services to the poor, the handicapped and the backward who lack access to be represented by counsel; (2) educating and teaching law-practice-skills in a real life context and preparing the students for their career as lawyers and developing in them professional perspective
towards clients, and (3) undertaking programme of socio-legal research on the problems of the poor.

The Clinical Legal Aid Programme and Legal Aid Clinics have been in operation in the law-schools for more than a decade and during the past twelve years, the law school has made a modest attempt to render legal aid, i.e. litigative, advisory and preventive to the poor, handicapped and the down trodden to spread legal literacy by organising camps in rural areas and distributing legal literacy pamphlets amongst the common masses and to help the local administration and bodies in the organisation of Lok Adalats. Besides the law school has also organised a number of workshops/seminars on various aspects of Legal aid so as to evolve a suitable strategy for legal aid programmes. In the words of Justice Bhagwati, "the B.H.U. Model" is one of the best model operating in India.

20. For more details, see Bhagwati Committee Report, at 108-110.

2) **Professor Menon's Model**

In October 1987, the Uttar Pradesh Legal Aid and Advice Board, Lucknow organised a workshop on establishment of Legal Service Clinic and Legal Cells in Universities and Law-Colleges. It was in this workshop that Professor N.R. Madhava Menon, who has been member of the Committee for Implementing Legal Aid Schemes, Government of India, presented a draft proposal for a suitable model for Legal Aid Clinics in the colleges. According to Professor Menon, the clinic should be located either in the premises of campus or in the neighbourhood community where poor people live or in the vicinity of the courts. In his view, most law schools can go for an, on campus clinic and refer litigative matters to court based legal aid agencies. Regarding the functions of a Legal Service Clinic, it may perform a major function, viz. education and service. The education element may include learning by doing; identifying problems; legal research and writing; interviewing and collecting facts; conciliation and arbitration; litigation strategies; court procedures etc. It may also include the aspect relating to understanding of social problems and making law studies socially relevant.

The service element of the clinic may include propagation of legal literacy and legal awareness among the masses through material; mobilisation of people for social action and collection of data on socio-economic problems of the poor through socio-legal-research.
Whether legal aid work can be made a part of the curriculum, Professor Menon expressed reservations about this aspect because in his view, in majority of the law-colleges of the country, the state of legal education is in total shambles. There is a total lack of clinical teachers and lack of experience and expertise in administering Legal Aid Clinics. Also lack of funds is another hurdle in the way. In view of these difficulties, the learned Professor has suggested that the clinical programme should be adopted in selected full time colleges only as an optional programme for the senior students of law with due academic credit. To make this programme a success the learned Professor has further made some suggestions which if implemented can go a long way in strengthening the clinical education programme throughout the country. Some of these recommendations include:

i) The need for the trained cadre of clinical teachers which should include full time teachers and part time teachers who may be chosen from amongst the advocates having at least five years standing at the Bar. The senior-most of the four teachers should be designated as the Executive Director and others as Associate Directors,

ii) Each college should constitute a Management Committee for clinical legal education with the Dean or Principal as the Chairman and one of the
local judges, the President of the Bar Association and the Chairman of the State Legal Aid and Advice Board as Vice-Chairman,

iii) A working manual which contains all details about the nature and scope including the organisational aspect of the clinic should be evolved,

iv) The clinical education programme must have an independent office;

v) The programme should have annual budget and the finances may be arranged either from the college budgets or from University Grants Commission or other government or private grants,

vi) The law students who have successfully worked in the clinics should be suitably rewarded and may be offered appointment as teaching associate in law school clinics,

vii) The law curriculum should include social justice oriented subjects like "law and poverty," 'law and social change' etc.,

viii) Regarding the supervision and evaluation of clinical legal education, Professor Menon favours the idea of a joint supervision by the full time and part time faculty members. He suggests for framing an evaluation performance in developing acceptable mode of student's work assessment,
One of the suggestions which deserves merits for consideration relates to the integration of Law School Clinic with National School of Legal Aid. Prof. Menon feels that in order to maximise the extent of services available to the needy, it is necessary that legal services clinic are integrated with wider network of legal aid activities in the state. In the alternative, the Legal Service Clinic should start a litigation cell and associate a certain number of legal aid lawyers from the panel of State Legal Aid Board to conduct deserving court cases. The clinics should also have a complaint and suggestion box where the clients may file their grievances in respect of the clinics and its services. It is stressed that the Bar Council of State and State Legal Aid and Advice Board can play a vital role in strengthening these clinics and evaluating their performance.

22. For details, see Proceedings of the workshop on establishment of Legal Services Clinics and Legal Cells in Universities and Law Colleges held in October, 1981 (Published by Uttar Pradesh Legal Aid and Advice Board, Lucknow, Annexure III.)
On the basis of the deliberations of the workshop a workable model of a Law School Legal Aid Clinic was prepared. The model, as finally approved based on its conclusions mainly on the proposals of Prof. Menon with few more additions.

The model for legal Service clinics as discussed above would certainly help in providing social orientation to law students. It is also true that these clinics if established on an uniform basis would enable participation of young law students in solving the legal problems of the poor who are otherwise alienated and disoriented from the legal process. However, it must be stated in very clear terms that the quantitative contribution of the students to the legal services scheme depends in large part on the extent of responsibility, the scheme is prepared to place in students' hands. If the clinics are properly established on a more broader basis the students' involvement can certainly help on lessening the work of the courts and thereby serve the community at large. Though, the models of legal services as discussed above can provide a good base for further experimentation on an all India basis, but to make it more responsive and strengthen the foundations of such clinics on

23. For the finally approved draft model, see ibid., Annexure IV.
a more solid and firm footing, the following suggestions deserve consideration:

1) There is an imperative need to change the present pattern of Legal education because the present standard of Legal education in the country is very poor. The functional perspective of the present system are far from being satisfactory. The departments/colleges are over-crowded with the students because to seek admission in law has become quite easier as compared to other courses like medical education or engineering etc. The requirement laid down by the Bar Council of India regarding moots, visits to courts etc., is to a great extent complied with, on papers and has proved a futile exercise. The result is that, we are producing law-graduates who are absolutely unacquainted with the practical side of the profession. Hence, there is an urgent need for setting legal education on a sound basis. One of the best solutions to solve the problem is to make clinical legal education a compulsory part of the LL.B. curriculum.

2) In all the colleges and universities wherever adequate infrastructural-facilities can be provided, Legal Aid Clinics should be established. Such clinics should function not under the Dean of
respective faculty, who is usually a very busy person but should function under the overall supervision of a professionally experienced teacher who can be asked to act as the Director of the clinic. This should be the whole time exercise. The clinic once established should co-ordinate its functioning with respective State Legal Aid Board. It should have an independent office and should be financed entirely by the U.G.C. or the government, as the case may be. All students of LL.B. final year should be associated with the clinical programme and it should form part of their examination and given credits accordingly. Such legal service clinic should be involved both in the preventive and strategic legal aid programme. An Attorney having at least five years standing should be associated with each of such clinics. For this purpose, the Bar Council can play a positive role. This will hope in educating the law-students in lawyering skills and also develop in them professional perspective towards clients, the court and the public at large. This will also expose the students to the realities of system of justice and despair of the poor and the underprivileged to the operation of the legal
system and its functional relationship with social, economical and political processes. To make the experiment a success it would be necessary to amend the Advocates Act, so that the senior students working in Legal Service Clinics are allowed to appear and argue cases in lower courts in legal matters under the supervision of associated attorney. In the United States, Court appearance by the law students in such matters is permitted. There appears to be no reason as to why it should not be done in India.

D. ROLE OF PROFESSIONAL LAWYERS

The Legal Profession is the major human component in the present system of administration of justice. In fact, the advocates are officers of court into whose hands are committed the life, liberty and property of people. Whatever may be the criticism against the institution of lawyers, it cannot be denied that the lawyers perform a very important social function in every society irrespective of the structure. In fact, the social role performed by lawyers in any modern society cannot be over-emphasised. However, in a country like India, this role has fallen short of this ideal because in our country the poor and underprivileged sections of the society have been deprived of legal services and have been denied effective participation in the
justice-delivery system. Thus, the access to the courts is becoming illusory because of many socio-economic restraints. All this necessitates an enquiry into the role of the legal profession for making the legal service programme comprehensive and within the reach of the poor.

(a) Need to Mobilise Legal Profession

It is an admitted fact that no scheme of Legal Aid can function effectively without the active assistance and co-operation of members of the legal profession. In fact, the members of the Bar possess an absolute statutory monopoly to appear before the courts. Section 33 of the Advocates Act, 1961 is very clear on the point and lays down that no person is entitled to practice in any court or authority unless he has been enrolled as an advocate under the Act. In other words, the advocates are the only person who are entitled to have audience before the court. To this privilege is also attached a social obligation that the services which are rendered by this monopoly group are not denied to the people simply because they are too poor to afford lawyer's fee.

Under the Act, the Bar Council of India and the respective State Bar Councils have acquired a professional monopoly. Therefore, the Bar Council will have to set certain standards whereunder the legal profession is
mobilised into a service-oriented organisation. It is only then that the role of the profession in any scheme of legal aid can contribute substantially for its success. Rule 39-B has been framed by the Bar Council of India, recognised the obligation of Advocate to render legal aid. The relevant rule runs as follows. "Duty to render Legal Aid—Every Advocate shall in the practice of the profession of law bear in mind that anyone generally in need of lawyer is entitled to legal assistance even though he cannot pay for it fully or adequately and that within the limits of an advocate's economic conditions, free legal assistance to the indigent and oppressed is one of the highest obligation an advocate owes to the society." Though the rule casts and obligation for rendering legal services but there is no recognised machinery by which an advocate can be made to discharge this obligation.

The words, "within the limits of Advocate's economic conditions" are so vague that it renders the obligation cast on a lawyer meaningless and useless. It is desirable that the legal luminaries of the country unite together and the Bar Councils also come forward and organise some sort of seminars and workshops wherein the difficulties of the poor litigants are discussed and certain ways are

23a. For a comment on this aspect of professional responsibility, see M. Veerbhadr Rao, Legal Aid Responsibility, A. I. R. 1983 (Journal), at 90-91.
found to help them. A sense of responsibility can be developed in the profession whereunder at least the senior counsels can be associated with legal aid at lower-fee. Once this movement starts and the professional consciousness rises, the transformation in the outlook of the lawyers towards the community and vice/versa will stimulate the process. The legal problems of the poor will then become a closer concern of the bar.

(b) Legal Profession and Social Responsibility

If we want to make headway in the direction of moulding law to deliver socio-economic justice, there has to be a fundamental re-orientation designed to bring the legal system into close proximity to the community. We in India have enough laws on the statute book but we lack men at commitment who may be willing to breathe life into law. Therefore, it is essential to inject new life in the legal profession whereby a new awareness and sense of public commitment becomes visible in the approach and outlook of legal profession. Though, it may not be an easy task because our legal profession had its birth in the matrix of an individualistic society in which the lawyer's clients were the landlords, the businessman, the employer and corporate sector. This way, the profession has continued to be treated as a trade to be exploited for his private gains giving rise to anti-social manifestation.

The above said position has not changed very much and if we want the legal system to play its role in
delivering socio-economic justice, the legal profession will have to bring a substantial change in its outlook as public commitment of legal profession is necessary to bring about a social change. All this is essential because the Advocates are officers of justice into whose hands are committed the life, liberty and property of the people.

Whatever may be the criticism against the institution of lawyers, it cannot be denied that they perform a very important social function in every society. This is so because our justice delivery system of litigation and the quality of justice depends on the quality of advocates also. In other words, the problems can be handled only by those who are well versed in law and have sufficient expertise and competence. In country like India, this social role of lawyers has fallen short of the required commitments. The result has been that the poor and the deprived section of the society have gone without legal services which have resulted in denial of their legitimate claims. Thus, the legal process as it is functioning today has failed to bring about the real distributive justice. To make all this as a part of responsibility of the profession to the society, it is essential that representation of the poor by lawyer is recognised as a professional mandate. To make this aspect meaningful, it is also equally essential that the members of legal profession do not charge exhorbitant fees from the poor. On the other hand, legal services to the poor should be
made as a part of social responsibility of a lawyer. Though the rules framed by the Bar Council of India make it obligatory on the part of advocates to render professional service to indigent person who cannot pay for it, but it does not cast a statutory obligation and until and unless it is made a part of statute whereunder all counsels are required to handle a minimum number of legal aid cases on behalf of the Legal Aid Committee at the prescribed fee. Thus it will become a compulsory professional obligation and may prove helpful in rendering legal services to the poor. To ensure the efficacy of Legislation, failure to accept briefs should be regarded as a professional misconduct. While assigning a particular lawyer to a case, the legal Aid Committee should take into account the preference if any, expressed by the litigant. If the above mentioned recommendations are enacted into a law this will go a long way to improve the existing quality of legal services more particularly in respect of indigent clients.

Though the aforesaid discussion visualises the role of the legal profession within the existing framework, however, it is possible to visualise the legal profession as an instrument of social reform and change. If a new institutional framework is provided by redesigning and restructuring the existing organisation of legal profession, this will also require the widening of the nature and scope of the functions of Bar Council of India
and the State Bar Councils. Besides, it would also be essential that a special Training Programme for professional lawyers who are engaged in the legal service programme will have to be designed. This is essential because the lawyers will have to give up the traditional approach which have played the legal profession so far. They will have to develop in themselves a new dynamic approach which helps in understanding and solving the problems of the poor. Therefore, the Legal Service Organisation should design a Training programme for lawyers who really want to come forward to take up the cause of the poor. The programme should be designed in such a way which throw light on living conditions of the poor and expose their problems, difficulties and other needs.

(c) Lawyer's Organisations vis-a-vis Legal Aid

In England, administration of legal aid had been entrusted to the law-societies. The society is basically the component of professionals. The entire legal aid programme has been given a statutory base. The latest legislation for carrying out the National Scheme for providing legal aid and advice to poor persons is the Legal Aid Act, 1982. The entire scheme of legal aid has been divided into twelve areas throughout the country. Each area has an Area Committee which

is comprised of practising solicitors and barristers. Under the committee, there are number of local committees comprising of legal practitioners. These local committees examine applications for grant of legal aid certificates in the court of first stance. The Area Committee is responsible for the supervision of remuneration of the lawyers working in the implementation of the scheme. Thus, it is practically the professional lawyers who are operating this scheme of legal aid in the United Kingdom. However, the entire scheme is funded by the government. In United States of America, the legal aid programme is carried under the Legal Service Corporation Act, 1974, It is a private non-profit organisation established by the Congress in 1974 to provide financial assistance to the poor litigants in the civil cases. It is estimated that in United States of America there are 29 million poor and out of that 7 million poor face civil litigation problem every year. Thus nearly 80 per cent of poor's legal needs remain unattended. The role of the corporation established under the law is to equip the lawyers, para-legal and other staff through training, research and technical assistance to enable them to render high

quality service to the poor. Besides, many organisations are also involved in the service of the poor in America. Such organisations include, law firms, local Bar Bar Associations, Community Legal Organisation of New York, Chicago Council of lawyers and Council of New York Law Associates. In addition, the Neighbourhood Law Offices have also been opened in which the poor people live. These offices are run by full time attorneys whose duty is to serve the legal needs of people in the community. Also there are councils working in other parts of the country. In criminal

26. The Corporation has an eleven member Board of Directors who are appointed by the President of United States on the advice of the Senate. For details see, Chapter IV, supra.
matters, Legal Aid is constitutional necessity. The funds come largely from the Federal government. Thus, we find the legal profession has contributed substantially to the successful functioning of the legal aid programme in United States and Government has also provided adequate financial support for running the said programme so as to ensure access to justice by all.

In Australia, the Australian Legal Aid office has started mobile units of lawyers which periodically visits the places where the poor people live. It has also introduced the service of a "Flying Lawyer" who flies by plane from the nearest legal aid office to those areas where for want of lawyers no legal assistance or advice is available. And the entire scheme of legal aid is administered by the law

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27. G.O. Koppel, Legal Aid in India, 8 Journal of Indian Law Institute, (1966), at 242.
societies and authorised by state legislation. Besides many members of legal profession give free legal assistance on an informal basis.

In France the law shops have been created because of the initiatives of local lawyers, law students and magistrates. These shops work as non-government agencies who are funded by private grants or donations and provide legal advice to the poor persons. These shops however have limited working hours. However there is no legal aid movement in

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29. Ibid.
France as the one we find in the United Kingdom.

In India, a National level agency, namely Committee for Implementing Legal Aid Schemes was for the first time appointed by the Union Government in 1981, under the chairmanship of Chief Justice of India. The Committee has been co-ordinating the functions of legal aid programmes going on in different parts of country. The programme envisaged is twofold, preventive legal aid programme and strategic legal aid programme. In the strategic legal aid programme, the professional lawyers have been assigned a role. Though, the scheme has no statutory sanction but it has been fighting cases of poor people in the court. The chairpersons of various legal aid committees functioning at different levels prepare a panel of lawyers. The eligible persons have to apply to the concerned committee which examines his case. Legal aid committees have also been formed at the High Courts and Supreme Court level. These Committees, however, function under the supervision of respective chief justices.

The overall picture is that the profession of lawyers have no independent role to play in providing legal

30. See Report of the Preparatory Committee for Legal Aid Scheme, (Government of Madhya Pradesh, 1973), at 41-42.
services to the poor. Neither the Bar Council of India nor the State Bar Councils or Bar Associations have any role to play in promoting the cause of legal services. In fact, these bodies of lawyers have not at all contributed anything to organise the profession for promoting the above said purpose. Similarly, the lawyers themselves have no organised groups or associations for providing legal services to the underprivileged sections of the society. Lawyers involvement if any, is purely informal. Therefore, there is an urgent need that the lawyers in India organise themselves into small groups or organisation or start Lawyer Service cooperatives so as to provide legal aid and advice to the poor and take up public interest cases, as is happening in the United States. The Government should also come forward and support such co-operatives financially as well as otherwise. For making this venture successful, it is also essential that a National Legal Service Authority is

31. On 12th April 1961, a comprehensive Bill was introduced in Parliament by a private member to set up an All India Bar, as set out by All India Bar Committee in its Report, at 4-13 as quoted in 14th Law Commission, Report, (1958), at 558. Bill was not given legislative effect till 1958. For recommendations of Committee See Id., at 559.
constituted which may monitor the entire scheme of legal aid and advice. The lawyer's Co-operatives if established can certainly contribute for strengthening legal aid movement and help in the achievement of socio-economic justice through the process of law. In other words, such co-operatives can function like the Public Interest Law Firms in the United States. The time has come when the ideals of economic justice, as enshrined in Articles 38 and 39 of the Constitution of India should become the passion of the profession for promoting the cause of the poor.

E. ROLE OF VOLUNTARY AGENCIES

It has been an accepted fact that the legal aid programme which is needed for making justice to reach the people cannot be confined to traditional or litigation oriented programme. But it should take into account the socio-economic conditions prevailing in the country, and take steps to promote strategic legal aid programme which include promotion of legal literacy, organisation of legal aid camps, encouragement of public interest litigation and holding of Lok Adalats for settling disputes whether pending in courts or outside. To make this programme a success the assistance of voluntary agencies and Social Action Groups will have to be taken by the states, which obligation is mandated by Article 39-A of the Constitution. In the following pages, an attempt is being made to examine the role of such agencies
in India. Whether such agencies or organisations exist in the country? If so, what is their precise role and function?

(a) **Voluntary Agencies in Preventive and Strategic Legal Services**

One of the best way of associating the people in legal aid programmes is to secure their participation through voluntary organisations or agencies. In the United States of America, we have seen that the professional lawyers have played a vital role in this context. There are many law firms or registered societies manned by the professionals who have rendered their invaluable services to help the millions of poor people to obtain justice. In India, these organisations also exist though in a slightly varied form. Some of the bodies are manned by lawyers like Bombay Legal Aid Society, Lawyers Referal Service in Delhi and Lawyer's Forum, West Bengal. Besides, there are some other organisations working amongst the deprived and vulnerable section of the community at the grassroot levels. These are involved in the identification of the problems and difficulties of the deprived sections of our society. Some of these agencies which have been brought on records are, Anand Niketan, Rangapur, Transnational Centre, Dharwar, Sarvodaya Ashram, Muliple Action Research Group, New Delhi, Stree Adhar Kendra, Pune, Parvaryammal Education Trust, Salem, Legal Grievances Cell for Women, Scheduled Castes, Scheduled Tribes Visakhapatnam, Nav Bharat Jagriti Kendra, Village
Behura District Hazirabagh Sarbhaive Gram Bikash Kendra,

These voluntary associations and Social Action Groups have been recognised by the Committee for Implementing Legal Aid Schemes set up by the Government of India as well as the respective State Legal Aid and Advice Boards. These agencies have played a vital role in organising legal aid camps, training of para-legals, promoting conciliatory strategies and organising Lok Adalats with the support of Committee for Implementing Legal Aid Schemes or State Legal Aid and Advice Boards. However, these groups do not function under the control or direction of State Government or Legal Aid and Advice Board. Regarding financial aspect, the main funding agencies are Committee for Implementing Legal Aid Schemes, or the Legal Aid Boards. In this context, even the Supreme Court of India, in a writ petition filed by the Centre for Legal Research against the State of Kerala have issued directives to the government that the voluntary organisation or Social Action Groups which are engaged in extending legal services to the poor should receive the financial support from the Government.

(b) **Promotion of Legal Literacy:**

One of the effective strategies for reaching legal services to the poor can be through promotion of legal literacy. In a country like ours, where the society is marked by extreme impoverishment, ignorance, and illiteracy, the traditional mode of legal aid cannot be expected to succeed because it requires awareness and assertiveness which is absent in our country. As we find today, the various legal aid and advice boards functioning in different states of the country have set up various Committees at different levels for administering legal aid to the poor. In view of the above-mentioned factors vis-a-vis the socio-economic conditions of the people, the rural ignorant and indigent masses cannot be expected to take advantage of this scheme. The reason is obvious. These people, on account of ignorance and illiteracy, are not in a position to know their rights, benefits, and privileges and even to identify their problems as legal problems. Thus, it would be futile to expect the poor and exploited section of the community to approach the Legal Aid Office for seeking legal assistance. The only effective alternative is to carry the law and legal services to the poor instead of expecting them to come to the legal aid office.

In view of the seriousness of the problem, the Committee for Implementing Legal Aid Schemes accords a great
priority to the promotion of Legal Literacy. Therefore, it is publishing a quarterly Journal called Legal Aid Newsletter, both in Hindi and English language. The journal provides information to the people on various aspects regarding their rights, holding of various Legal Aid Camps and reports on Public Interest Litigation and other advances being made in the legal aid programme. The basic objective is to create awareness amongst the people. Besides this, the Committee for Implementing Legal Aid Schemes gives a financial assistance of Rs. 5000/- for promotion of legal literacy to any institution/agency which is prepared to bring out pamphlets, brochures and booklets high-lighting the problems of poor.

Financial assistance is also provided to various legal aid clinics and other voluntary agencies for organising legal aid camps so as to generate legal awareness amongst the poor people living in remoter areas. Such type of camps have continued to be organised in different parts of the country from time to time and have succeeded in promoting the cause of poor and settling their problems at the grassroot level. For example in Tamil Nadu, the society for Community Organisation Trust has been working for social mobilisation for legal action in and around Madurai for the last several years. The basic objectives is to educate social workers to enable them to seek the support of law for fighting social injustice. In July 1984, the Trust organised a Para-Legal Training Course for social workers for the
duration of 45 days. In December 1982, Banvasi Seva Ashram, Mirzapur (Uttar Pradesh) and other voluntary organisations of Bihar organised a training camp for one week about legal literacy and village level Vakils at Patna. The object of the camp was to give information about the laws affecting the problems of the poor to activate workers of voluntary organisation so that they may be able to find out the problems and entitlement of the poor in their respective areas. The various problems discussed at the camp resulted in the establishment of a Rural Entitlement and Legal Aid Centre in Bihar in 1984. Similarly in Gujarat the first legal literacy camp was held on March 25, 1984 at Godhra in Panchmahal district. In such camp several persons spoke on different topics of general or local importance. During the camps, booklets and leaflets containing useful knowledge have been distributed. Since then several such camps have been organised by the Legal Aid Board through Legal Aid Committees. In Haryana one such camp was organised at village OTTU on February 17, 1990 where law teachers also participated and addressed about 200 or more visitors and litigant parties for generating awareness about their

33. For more details, See Legal Aid Newsletter (May-August, 1984), at 6.

34. For a detailed account of the problems discussed and the conclusion reached at the above camp, see Id, at 13-14.
entitlements under various laws and state sponsored schemes. According to an information, Haryana has organised over 240 Legal Aid Camps cum Lok Adalats up to January 31, 1991 all over the State. Legal Aid Clinics working in different Law Colleges of the State have also organised half a dozen awareness camps. Legal Aid Camps have been held in Assam, Andhra Pradesh, Haryana, Uttar Pradesh, Delhi, Chandigarh, Pondicherry, etc. The Law Schools Legal Aid Clinics have also involved themselves in organising such camps and settling disputes of rural people.

This way we find that the legal literacy Mission being carried in the country is proving meaningful though no social survey has so far been conducted by any scholar or a research organisation to measure its efficacy and effects in real sense of the term. Efforts for legal literacy have not only received support from the Committee for Implementing Legal Aid Schemes or Legal Aid and Advice Boards of the respective state governments but the Department of Women and Children Development in the Ministry of Human Resources Development has also been extending its financial support to legal literacy activities under their approved scheme on education for prevention of Atrocities against women. It is, therefore, suggested that to make the legal literacy programme a success, other groups such as Nehru Yuvaka

34a. For details, see Paras Diwan, Legal Aid Programmes Objectives and Means, (1991); Legal Aid Newsletter (May-August, 1990), at 38.
Kendras, National Service Scheme, Mahila Mandals, ICDS workers, Gram Sevikas should also be associated in the process. This will help to make legal literacy as an extension activity in the community or a co-curricular activity among the college youths. The Department of Adult Continuing Education and Extension in the University of Delhi has already made some advances in the direction.


35. See *Legal Aid Newsletter* (May-August 1987), at 9-12.
(c) Organising Lok Adalats

The term Lok Adalat means a "People's Court." However, a Lok Adalat is not a court in its accepted terminology. It is a forum where voluntary efforts aimed at bringing about settlement of disputes between the parties is made through conciliatory and persuasive efforts. In other words, a Lok Adalat is an innovative form for amicable settlement of disputes between the parties. In fact, these Adalats are expected to supplement and not to substitute the existing adjudicatory machinery.

The Lok Adalats are being organised by the State Legal Aid and Advice Boards at different places in the country as an alternative Forum for resolution of disputes, especially among the rural poor. The date and place of holding a Lok Adalats are fixed about a month's in advance. Information about the holding of Lok Adalat is given wide publicity through press, poster and through Radio, T.V. etc. Before Lok Adalat is held, its organisers request the presiding officers of various courts to examine cases pending in their courts where, in their opinion, conciliation is possible. Once the cases are identified, parties to the cases are motivated by law students and other social workers to settle their cases through Lok Adalats.

36. For objectives of the Lok Adalats, See Paras Diwan, Supra note 34 at 11-12.
According to the prevalent practice going on in different parts of India, Senior judicial officers are invited to inaugurate a Lok Adalat. The People present at the Lok Adalat, usually include senior local officers, members of the Bar, and people from nearby areas. The members of a Lok Adalat are called conciliators who are drawn usually from amongst serving or retired judicial officers, social workers and advocates/Law teachers. In some places especially at a district or sub division level, serving judges either function as conciliators or help the conciliators in arriving at a fair settlement between the parties. Thus, the disputes are resolved by mutual acceptance of the parties through compromises in the form of "Give and Take." The settlement so arrived at is presented to the Presiding officers of the Competent Court, who is usually present at the place where such Adalat is organised for passing a decree in terms of the compromise. Efforts are also made to ensure on the spot payment of compensation, especially in cases involving Motor Accident claim cases.

Regarding the type of cases which could be taken up at Lok-Adalats, it may be pointed out that in the beginning, the cases which used to be brought before related to, civil, revenue and criminal disputes which were compoundable. But with the way these Adalats have been able to catch the imagination of the public they have acquired people's

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37. See Legal Aid Newsletter, (May-Aug 1990), at 14.
acceptability and are becoming a People's Movement. These Adalats have, thus succeeded in bringing out settlement of disputes relating to insurance and Motor Vehicles Accidental Compensation claims to a very large extent. In addition, Lok Adalats are taking up involving mutation of land, bonded labour, land acquisition cases and criminal cases which are compoundable with the permission of the courts.

According to the information supplied by the CILAS, as on 31.12.1990, 4168 Lok-Adalats have been held, where 24,38,632 cases have been settled. Out of these, 81,759 were MACT cases, where compensation amounting to Rs. 1,96,94,99,709 was awarded. It may be submitted in fairness to the system of Lok-Adalat that the success of this alternative forum for providing legal aid would to a large extent depend upon the availability of dedicated men and women who may be willing to devote their time and energy to the cause of Social Justice without expecting any return.

In the light of the experience gained so far in organising Lok-Adalats in various parts of the country, our Parliament has enacted Legal Services Authorities Act, 1987 so as to give the Lok Adalat more powers and make them function more effectively. This way, the Lok Adalat will be vested with the same powers as are vested in a civil court under the Code of Civil Procedure. The legislation though provides a statutory

footing to the Lok Adalat has not been brought into force till this date. The main reason for this appears to be the non framing of the rules regarding the functional aspect formulation of Lok Adalats.

(d) Rural Entitlement and Legal Support Centres (REALS)

The idea of establishing Rural entitlement and legal support centres generated during the eighties when it was felt that the legal aid programme cannot be considered in isolation of the socio-economic programme designed to provide basic minimum needs to the rural community living below the poverty line in every village. Thus, the basic objective behind this initiative is not to do justice only but to dispense justice in such a way so that it may be available to the poor, from the socio-economic point of view. Therefore, the main function of REALS is to provide information to the poor about their rights and to awaken them to stop their exploitation. During the past few years, films have been produced about the rights of women and landless labourers etc. Programmes about these subjects are being shown on television and broadcasted by All India Radio from time to time. Camps have been held at many places in this regard where judges, workers and officials have participated. The basic thrust behind this entire move is to make justice reach the villages.
The Rural entitlement centres which are primarily non-political organisations have been established in different states of the country. For example in Bihar, Madhya Pradesh, Orissa and Uttar Pradesh such centres were started in 1982 and 1983. Thereafter, the efforts have continued and such centres have been established in other parts of the country. These centres have taken up the problems of the poor including the Adivasis seriously. Some of such problems relate to the abolition of bonded labour, old-age pensions, re-habilitation, mismanagement in the public distribution system and other related socio-economic problems of the poor. The functioning of these centres is monitored by the CILAS which also provides financial assistance up to Rs. 50,000 per annum to these centres.

Though it is basically an effort of voluntary agencies and Social Action Groups but the respective State Government have also responded to this move favourably. It is, however, desirable that some new strategies are evolved in this regard so that the poor are brought closer to the scheme/projects and programmes of the Government. Further to make these centres more functional, it is necessary that the problem of tribals, Scheduled Castes, pavement dwellers, famine relief workers and other similar persons are given special attention. Dissemination of legal information through traditional media can certainly help in easing out
some of the socio-legal problems of the deprived sections of our society.

These Centres which have been primarily working as voluntary agencies, as already submitted, have brought problems of the poor before the court through Public Interest Litigation also. Cases for securing enforcement of labour laws including minimum wages legislation, eliminating bonded labour, improving hygienic conditions in protective homes, protecting juvenile prisoners against sexual assault in Jails, ensuring speedy justice to undertrial prisoners, dispensing social justice to slum-dwellers and removal of environmental pollution created by stone quarries operators in Doon Valley are some of the illustrative cases which these agencies or some public spirited citizen have taken. The CILAS has prescribed a ceiling of Rs. 60,000 for financial assistance to each Public Interest Litigation Organisation. Thus, these organisations have played a vital role in championing the public cause.

F. CONCLUSION

The above discussion shows that Legal Aid to the poor and down trodden is the need of hour, as our traditional justice delivery system is not self-sufficient to deliver justice to the millions of poor Indian living below poverty

39. Legal Aid Newsletter (May-August 1984), at 11, 12, 13.
line. By Legal Aid we never mean help in litigation only but it also includes a sense of awareness of rights of the needy. But this mission can not be made successful by doing merely some reasonable thinking in official chambers, air-conditioned offices and with a little touch of publicity. However, the collective efforts of law colleges, professional and non-professional organisations can bring some convincing results.

First of these is the vital role of law-colleges. Law students have served the society very well in foreign countries by helping people through clinical programmes. We can also adopt such programmes in which the students of law are taught subjects like Law and Poverty and the education system has to be designed in such a way that it becomes poverty oriented. In other words, legal education has to be made socially relevant to achieve the target of legal aid to all the needy and deserving people of the country. By starting compulsory clinical programmes, the students will be in a position to understand the problems of poor in rural areas and provide help in educating them by creating awareness about their rights. But the present position is not very convincing in our law colleges because these colleges are producing lawyers with no idea of service towards the poor. Regarding the role of lawyers it can be safely concluded that this institution is busy primarily in minting money than having any idea of service or social
responsibility towards society. The reason is clear that the basic legal education does not show them the path of poverty jurisprudence and their responsibilities. However, there are changing trends. Some lawyers are working in the form of lawyers voluntary organisations to help the poor people to fight their cases in court. But this is not enough, because the lawyers are the persons who can educate the masses by holding camps and telling the people what exactly are the chance of litigants to win or loose and hence avoid unnecessary litigation.

The most important part of this chapter is to see the role of lay agencies to spread the awareness. We certainly have reached a pre-take-off stage but there is an urgency for more voluntary agencies to come forward and serve the purpose. CILAS has laid down a comprehensive scheme for the country. Grant-in-aid facility is also provided for voluntary organisations. The role played by some of the voluntary organisations in taking up the cause of poor through PIL is commendable. Such agencies should receive liberal financial help so that they may play their role in a much more meaningful and effective way.