

INCLUSIVE LAW SCHOOL CLINICS: Institutionalizing Effective and Accountable Justice for All

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Abstract: Poor people are often denied access to the courts due to expensive legal fees. Preventing free access to justice violates a fundamental constitutional principle and universal international norms. The recognition of access to justice and the rule of law as outcomes and facilitators of sustainable development is a unique feature of the 2030 Agenda. This study shows that providing affordable and timely access to justice institutions and legal aid services will help achieve the Sustainable Development Goals (SDG) 16 targets of peace, justice, and strong institutions. Indian law school clinics have a unique opportunity to achieve the goal through institutionalized clinical legal education. The Advocates Act of 1961 requires an amendment to allow law students and faculty to represent pro bono clients. The study infers that completely institutionalizing the law school legal aid clinics as part of clinical legal education is a powerful platform to promote equal access to justice to all.

Keywords: Access to Justice, Clinical Legal Education, Law School, Legal Aid Clinics, Rule of Law, People's Participation, Sustainable Development Goals.

1. Introduction

Crime is one of the most significant and destructive dangers to a nation's prosperity, development, well-being, and even survival. All forms of violence and injustice deprive human rights and fundamental freedoms. Millions of individuals are forced or shut out throughout the globe, mainly in secrecy and without proper legal protection. Unshielded neither economically nor legally, they face real

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and persistent challenges that limit their ability to enjoy sustainable development gains (Satterthwaite and Dhital 97). The SDG-16 recognizes the goal of universal access to justice and envisages the establishment of responsible, effective, accountable, and inclusive institutions to foster sustainable development. National and global institutions, including local government and judicial systems, must be more accountable and efficient to ensure human rights, law and order, and security. The related goals and indicators cover a wide variety of governance issues, including decreasing violence, ending trafficking, reducing corruption, reforming institutions at all levels, upholding the rule of law and democratic decision-making, and fostering human rights and fundamental freedoms. The SDG-16 is critical for achieving the other SDGs.

With Agenda 2030, the emphasis has shifted from merely inclusive societies to just and inclusive societies with access to justice. It is centred on human rights, the rule of law, and good governance at national and sub-national levels across the board. It creates both new opportunities and problems for governments and civil society. The paper examines the intersection of the goals (i) to strengthen the rule of law on a national and international level, and to guarantee that everyone has equal access to justice, and (ii) to develop effective, accountable, and transparent institutions at all levels, as articulated in the SDG-16 with good governance. These themes are discussed generally, and then critical challenges and opportunities to achieve justice through clinical legal education are examined. The study has the following objectives: (i) identifying obstacles to access justice, (ii) drawing strategies for overcoming such hurdles, and (iii) examining the viability of law school clinics as institutions for the proliferation of access to justice in India. Towards this end, the paper offers insights into some access to justice initiatives by law school clinics in India.

2. Sustainable Development Goal 16: Key issues

The Agenda 2030 addresses a crucial gap found by many stakeholders during Millennium Development Goals (MDG) implementation, the lack of an explicit understanding of the substantial value of governance and institution-building as foundations of overall growth and peace-building efforts. The Agenda 2030 reiterates that no sustainable development can exist

without peace, and no peace can occur without sustainable development. Goal 16 encourages countries to “promote peaceful, inclusive societies for sustainable development, provide equal access to justice, and build effective, accountable, and inclusive institutions at all levels” (UNGA, *2030 Agenda* 14).

SDG-16 includes 12 target areas. Most pertinently, SDG 16.3 focuses on ensuring that countries have laws and justice systems that are effective, fair, and accessible, ensuring security and safety for all people, and providing substantive criminal and civil wrongdoing mechanisms. Enhancing the rule of law entails enacting and implementing just legislation based on principles of human rights by sound institutions. This target is supported by Targets 16A and 16B, which concentrate on reforming law-and-order structures and tackling discrimination.¹ SDG 16.6 is about establishing effective, responsible, and transparent institutions at all levels. It advocates for the overall improvement of the institutions to ensure that they can carry out the mandates in the public’s best interests. It supplements and improves Targets 16.7, 16.8, 16A, and vice versa.² This goal would assist policymakers in honouring their commitments to the entire 2030 Agenda by providing essential services and promoting good governance (TAP Network 98).

The SDGs are intended to succeed the MDGs, which were reflective of the UN Millennium Declaration (UNGA 1). It encompassed the broad principles of equality, freedom, solidarity, tolerance, respect for nature, and shared responsibility. While the MDGs highlighted goals such as eradicating poverty and promoting gender equality, access to justice was conspicuous in its absence (UNGA, *Millennium Declaration*). While reviewing the progress under MDGs, the UN Secretary-General, in the report in 2015, highlighted that peace and governance based on the rule of law and sound institutions are entrenched in the vision for the world post-MDGs, as enablers and outcomes of development

¹Goals 5 (Gender Equality), 10 (Reduce Inequalities), 11 (Sustainable Cities and Communities), and 17 (Means of Implementation and Global Partnerships) are interconnected with SDG 16.3.

²All other SDGs are interconnected with SDG 16.6.

(UNGA, *A Life of Dignity for All* 13). The SDGs represent a sea-change in this regard by recognizing access to justice, not simply as a catalyst to the achievement of human development but as a foundational element in the endeavour. The Agenda 2030 represents the centrality of dignity and equality of the individual in achieving sustainable development (UNGA, *2030 Agenda*).

SDG-16 is categorical in its clarion-call for access to justice and the concomitant requirement of effective, accountable, and inclusive institutions (UNGA, *2030 Agenda* 25). Though there are no scientific indicia to draw a direct correlation between access to justice and sustainable development, it is conclusive that if governance cannot provide effective ways of making trade-offs across issues, sustainable development would be hard to achieve. Strong Institutions are at the heart of ensuring that social priorities, and thus trade-offs, are articulated so that resources and behaviours are regulated towards achieving sustainable developmental ends. Inclusivity in formulating social priorities would enable open dialogue and ensure fair, just, and reasonable decisions by institutions.

Considering the COVID-19 pandemic, the UN Development Programme (UNDP), in association with the United Nations Office for Drugs and Crimes (UNODC), published a guidance note on access to justice (UNODC and UNDP 80). It has been highlighted that Legal Aid would play an integral role in ensuring that essential services and social protection are secured to the least privileged social groups, including migrants and refugees. This note is in line with the UNGA Declaration on Rule of Law: Firstly, to achieve equal access to justice for all and promote non-discriminatory and accountable institutions, including legal aid; Secondly, informal justice mechanisms, in line with international humanitarian law would be conducive to achieving access to justice for vulnerable groups. It is worth mentioning that the UN Secretary General's report included a recommendation that States must commit to supporting legal aid and assistance, especially to the poorest of the poor (UNGA, *Delivering Justice* 8). Furthermore, it has been acknowledged that the integrated nature of the SDGs demands participation by the public through institutional arrangements (UN ECOSOC 10).

3. SDG-16 and India

India has committed to the SDGs since its inception. During the UNGA Summit, before adopting the Agenda 2030, the Indian Prime Minister, in his address to the UN General Assembly, had acknowledged that the SDGs aligned with India's National Development Agenda (UNGA, *Post-2015 Development Agenda* 17). The Government of India and the United Nations, in a framework document, recently stipulated seven priority areas that constituted areas of cooperation between the Indian Government and the UN on SDGs (UN Resident Coordinators Office 9). While access to justice and building strong institutions are not explicitly mentioned as priority areas, it is expected that tools such as free legal aid and democratic institutional frameworks will be harnessed in achieving the highlighted goals.

To achieve SDG-16, India seeks to apply the elements of access to justice and strengthened institutional structures as both a means and an outcome. It is seen as a means to (i) eradicate poverty through the provision of access to basic services and effective, accountable, and transparent national institutions, (ii) eliminate all types of discrimination, (iii) promote workers welfare, (iv) build sustainable communities, and other goals specified in the SDGs (UN Resident Coordinators Office 13).

India particularly seeks to uphold the rule of law and ensure equal access to justice for all by increasing the number of courts per million populations, i.e., court density, with a target court density of 33.76 by 2030 (NITI Aayog, *Baseline Report 2018*, 179). The target has been derived by taking the average number of courts in the top three states within the country (NITI Aayog, *Baseline Report 2018*, 180). While the Indian Government's approach to improving the rule of law may be seen as myopic, this forms the scope of a separate argument. Even on this count, India scored a dismal 26 on an index of 100 on this metric in 2018 and in 2019 (NITI Aayog, *SDG India Index 2019-20*).

Since India formulated the above-stated goal of increasing the number of Courts in each State in 2018, there has been no paradigm shift in how the development of judicial infrastructure has

occurred:³ The trend has been to the contrary. Whereas the actual expenditure in the Fiscal year 2019-20 on the Scheme for Development of infrastructure facilities for the judiciary was 990 crores, the budget estimate in the fiscal year 2020-21 was 792 crores, the revised estimate was only 599 crores, and the budget estimate in the fiscal year 2021-22 has been reduced to only 784 crores (Ministry of Finance, *Budget Estimates 2021-2022*, 233). Furthermore, it is worth noting that the ambitious *Gram Nyayalaya project* to bring village-level Courts for trying petty criminal and civil matters to every intermediate panchayat has only been granted eight crores for the fiscal year 2021-22 (Ministry of Finance, *Budget Estimates 2021-2022*, 233). While this may be attributed to budgetary constraints in the light of the COVID-19 pandemic, which has afflicted India since March 2020, it remains to be seen whether the Indian Government will embark upon new and more ambitious projects holistically to improve access to justice to all.

The baseline report also acknowledges that India has the highest number of pending court cases in the world (NITI Aayog, *Baseline Report 2018*, 185). There is a dire need to evaluate, construct, popularize, and institutionalize structures that can effectively and efficiently resolve disputes to ensure that resources are not held up in litigation for long periods – sometimes even decades – hampering the goal of prioritization and usage of limited resources to fuel development sustainably.

In the first Voluntary National Review (VNR) on Implementation of SDGs conducted by the NITI Aayog in 2017 (NITI Aayog, *VNR 2017*), no information was provided on the progress made in terms of achieving SDG-16. Though the second VNR in 2020 includes progress on this front, the provision of free or partly funded legal aid, and steps to improve access to the legal system for redressal hardly finds mention (NITI Aayog, *VNR 2020*, 129). The Indian Government's dismal performance on this front is further aggravated by the fact that while India's SDG Index has

³The Central Government formulated the "Centrally Sponsored Scheme for development of infrastructure of judiciary" to provide grants to States and Union Territories to develop infrastructure of the subordinate judiciary in the various states within India undertaken since 1993-94 and revised in 2011.

been improving year on year, the progress on the legal aid and the institutional access fronts has gone unmentioned.

Therefore, it is manifest that ensuring legal aid has not been featured as a vital aspect in achieving greater access to justice for all at all levels. However, structural changes in the delivery of legal aid are imperative in achieving the larger goals. This is not to say that no institutional structures exist to provide legal aid to the needy and the impoverished. While normative measures for the provision of legal aid certainly exist, they have not been sufficiently integrated into the goal-based governance approach fostered by the SDGs.

4. Rule of Law, Access to Justice, and Legal Aid

The rule of law is a system that holds all persons accountable based on an explicit set of objective criteria that are made aware to the general public, enforced uniformly, and adjudicated upon independently. The individual's dignity is the central tenet of the modern, rights-based world order (Munby 35). In protecting and advancing the individual's dignity, arbitrariness and tyrannical tendencies must not be ensconced into the governing machinery. The Universal Declaration of Human Rights, in its preambular provisions, provided that the rule of law must protect human rights if humankind is not to devolve into rebellion against tyranny and oppression. Therefore, the idea that all persons are equally subject to the law made by procedures prescribed in the basic text constituting the political structures within the country is the centrepiece that bejewels the dignity of the individual.

The post-colonial Indian polity has been constructed upon the compact of equal rights before the law and equal protection of the laws guaranteed to all persons within the Indian jurisdiction. (Indian Const. Art.14). The Supreme Court held in *Raj Narain v. Indira Nehru Gandhi* (1972: 3 SCC 850) that the rule of law is a part of the basic structure of the Indian Constitution, the impact of this ruling being that the rule of law is deeply and irrevocably entrenched into the Indian polity and the same cannot be amended away. Having said, that the nature of equality is twofold – equality before the laws and equal protection of the laws. The latter prong can be achieved provided that the aggrieved individual has access to a forum to ventilate their grievance and obtain a satisfactory

remedy under the law. The Supreme Court in *Anita Kushwaha v. Pushap Sudan* (2016: 8 SCC 509) has held that the right to access to justice is a feature of the fundamental right to life and personal liberty under Article 21 of the Indian Constitution, thereby making it enforceable under Article 32. This follows the Supreme Court's decision in *Hussainara Khatoon (I) v. the State of Bihar* (1980) 1 SCC 93, wherein it was held, in the context of a criminal case, that the right to free legal services was concomitant to 'reasonable, fair and just' procedure under Article 21.

The recognition of access to justice and the rule of law as twin outcomes and facilitators of sustainable development is a unique feature of the 2030 Agenda compared to its predecessor, the MDGs. The rule of law cannot be established and maintained without access to justice. It allows people to raise their voices, to be heard and their legal rights to be protected, regardless of the origin of these rights, so far as they are legitimate. Access to justice is crucial in fostering empowerment, equal human rights, and social and economic development (Beqiraj and McNamara 19). SDG-16 gives pre-eminence to the rule of law, reflecting the global thrust towards fair governance and accessibility of legal mechanisms to enforce rights as paths to long-term sustainability. Goal-16 combines this focus on the rule of law with an openness and transparency policy that prioritizes eradicating corruption and disenfranchisement (Targets 16.5 and 16.6).

While access to justice for all was incorporated as an SDG in 2015, it was incorporated into the Indian Constitution, albeit as an unenforceable Directive Principle of State Policy, as early as 1976, through Article 39A as "Equal Justice and Free Legal Aid." The principle has three prongs: (i) operation of the legal system, by the State, based on equal opportunity regardless of economic or other disabilities, (ii) provision of free legal aid, through relevant laws and schemes, and (iii) the State's responsibility for securing a legal system which can promote and subserve the ends of justice (Indian Const., art. 39A). Therefore, access to justice is premised on the availability of a fair legal system and an approachable one.

On the former, the Indian legal system, in its current avatar, has no dearth of institutions armed with the capability to resolve disputes. For instance, at the block level, *Gram Nyayalayas* (Village Courts) are required to be constituted as the primary adjudicatory

mechanism to try certain petty civil and criminal matters (Gram Nyayalayas Act, 2008, §3). *Nyay Panchayats* or *Gram Katchahry*⁴ have been constituted by elected representatives invested with quasi-judicial powers and functions regarding civil suits with pecuniary limits and minor criminal offences with limited sentencing powers. Conciliatory bodies called *Lok Adalats* and Permanent Lok Adalats (Legal Services Authorities Act, 1987, §19 and §22B) have been constituted to direct parties towards the settlement of their disputes. Settlement of disputes before Lok Adalats is further incentivized by providing a refund for court fees paid if any cases are settled before it (Legal Services Authorities Act, 1987, §20). The Arbitration and Conciliation Act, 1996, institutionalizes the private settlement of disputes either by private adjudication or settlements. Mediation is also a route preferred by parties for private dispute settlements. Civil and Criminal Courts have also been constituted under various State legislations, and the High Courts and Supreme Courts can also be approached to enforce fundamental rights.

On the latter aspect, equity is realized by the provision of Legal Aid by State where circumstances demand so. Currently, Entitlement to Legal aid is made available to eight categories of persons: (i) members of Scheduled Castes and Scheduled Tribes, (ii) victims of human trafficking, (iii) women and children, (iv) persons with disabilities, (v) persons with underserved wants such victims of mass, natural, and industrial disasters, ethnic violence, and caste atrocity, (vi) industrial workers, (vii) persons in custody, and (viii) persons with inadequate economic means, the standard being prescribed by the Central Government in case of legal aid to approach the Supreme Court⁵ or State Governments within their respective territories otherwise (Legal Services Authorities Act, 1987, §12).

⁴Bihar, Himachal Pradesh, Uttrakhand, Punjab, Uttar Pradesh and West Bengal currently have the provision for *Nyay Panchayats* within their respective Panchayat Raj legislations.

⁵Currently, the annual income prescribed for a person seeking to avail legal aid to approach the Supreme Court is five hundred thousand Rupees.

The effect of SDG-16 goals, stimulating the rule of law, transparency, and justice, would be determined by a variety of factors, including formal and informal institutions and their participation and execution (Satterthwaite and Dhital 99). A Survey conducted between 2012 and 2014 across multiple States in India revealed that factors such as poor infrastructure, inadequate staffing, cumbersome processes coupled with the illiteracy of litigants, prohibitive costs of litigation, discrimination based on gender, class and economic disposition, corruption, the problem of overlapping jurisdictions, etc. inundated the existing right-enforcement machinery and thus, stymied universal access to justice (Krishnan 173). Therefore, it is not enough for the number of courts across the country to be increased, but it must also be ensured that disputes can be resolved effectively across the system. The existing apparatus for grievance redressal must be revamped to be made accessible to enable every citizen, regardless of class or gender, to receive complete justice.

4.1 Socio-Economic and Cultural Barriers

Socio-economic and cultural factors influence access to justice. Concerning social barriers arise due to an individual's social context in which they are born, nurtured, and live. In a caste-divided society, access to basic amenities is a challenge. The rich became even more prosperous, while the poor became more impoverished and deprived of necessities such as proper education, a healthy and adequate diet, and the opportunity to develop their skills. Poverty is both a source and a result of a lack of access to justice. It hinders literacy and information as well as encourages marginalization and discrimination (Beqiraj and McNamara 14). Lawlessness also contributes to poverty. Some Government officials are more likely to punish the poor with arbitrary treatment, coercion, and humiliation. This pattern discourages the poor from availing government services, absorbs otherwise productive time, and can lead to depression and other mental illnesses (Anderson 3). Access to justice for the disadvantaged should be a top priority in the quest for empowerment and eradication of poverty.

The non-recognition of legal identity is one of the most significant barriers. The lack of birth registrations is a primary cause of non-recognition. Legal identification for all and birth

registration is factored as Target 16.9 to “promote peaceful and inclusive communities for sustainable growth, provide access to justice for all, and create efficient, accountable, and inclusive institutions at all levels.” People who lack legal identity are still unable to access justice (Beqiraj and McNamara 14).

Low literacy and education levels limit access to economic opportunities and the ability to recognize and implement rights, causing a deficiency of access to justice. Lack of information regarding Justice Mechanisms and the current work of the Legal Services authorities are among the main reasons for these impediments. In criminal cases, the complainant or aggrieved party is often unrepresented. Indigents rarely register their protest when the police drop all charges against the accused. The lack of familiarity with court procedures, knowledge, and awareness, coupled with fear of the court system, creates gaps between the poor and State enforcement agencies.

4.2 Legal and Institutional Barriers

Access to justice is influenced by the ability, structure, and process of a country’s legal system. Inadequate physical facilities, institutional structures that cannot administer systems, and insufficient allocation of financial and human resources to justice institutions contribute to an ineffective justice system and severely limit access to justice. The physical accessibility of justice systems affects access to justice. The barriers to justice will be higher where justice institutions are distant, mainly if transportation facilities are inadequate or unaffordable. Access is also constrained by the complexity of legal language and procedure.

Legal representation has traditionally been a cornerstone of access to justice (ICCPR Art.14). In various jurisdictions, the legal profession is granted a monopoly to appear before Courts. As a result, legal rules compel litigants to hire lawyers, which can be expensive, and significantly impact the general public’s ability to hire a lawyer at their own expense. Different solutions are required to stimulate system performance suffering from a shortage of qualified lawyers. State-funded assistance is critical for low-income groups, particularly minorities, indigenous communities, and people living in rural areas. Furthermore, court systems in developing countries can be incredibly sluggish due to various

reasons. According to a 1986 report of tort litigation in Maharashtra, the average time between filing a lawsuit and obtaining a final judgment was 17.4 years. However, changes to speed up the legal system are possible (Anderson 20). As of 04.04.2021, 67,279 matters are pending before the Supreme Court of India (SCI Statistics 2021). This includes 48,415 admission matters and 18,864 regular Hearing Matters.

5. Effective, Accountable, and Inclusive Law School Clinics

Despite the many obstacles highlighted, access to legal advice and legal aid activities has increased marginally. It is the outcome of a spike in *pro bono* or low-cost qualified legal advice offered by the Legal Service Authorities (LSA), as well as advice and assistance from Law School Clinics.

A Legal Aid Expert Committee appointed by the Government of India in 1973, headed by Justice Krishna Iyer, had envisioned that the legal system must percolate into the grassroots to proactively aid the poor and the needy. In pursuance thereof, the legal aid machinery would include all stakeholders of the legal system at all levels, which would include faculties of law tasked with formulating and authorizing legal aid schemes, supported, coordinated, and evaluated by incorporated bodies at the Central and State-levels dedicated to legal aid (GOI, *Processual Justice*, 19-20). On the strength of this recommendation and the Committee appointed by the Government of India, chaired by Justices PN Bhagwati and Krishna Iyer, the National and State LSA were established in 1987 (c, §§3, 6).

The impetus, however, was on legal aid at the Court and block levels. The thrust of the architecture was on human resources, which could communicate the legal aid programs and provide legal assistance at the grassroots. Most pertinently, the Committee recognized the immense opportunities that Legal Aid Clinics, with law students, provided in the dispensation of free legal aid. The Committee had also proposed allowing senior law students, adequately supervised, to conduct petty cases before Courts (GOI, *Processual Justice* 164). These recommendations, however, have not been given their full effect, and therefore, law schools lay dormant as a latent source of staffing and expertise for the provision of legal aid.

5.1. Legal Services Clinics Regulation, 2011

According to Legal Services Clinics Regulation, 2011, the District Legal Services Authority (DLSA) are required to establish village Care and Support Centers, or in a cluster of villages, prisons, higher education institutions, and other places, specifically where people are facing challenges in accessing legal assistance (Legal Services Clinics Regulation, 2011 §§3(a), 3(b)). At least two qualified paralegal volunteers (PLV) must be present in the legal aid clinics (Legal Services Clinics Regulation, 2011 §5). DLSA may empanel lawyers to these Clinics (Legal Services Clinics Regulation, 2011 §6). If the situation necessitates constant legal services, the legal services institution with territorial authority schedules regular lawyer visits to clinics (Legal Services Clinics Regulation, 2011 §7).

The clinics should facilitate access for people in need of legal assistance (Legal Services Clinics Regulation, 2011 §9(2)), including access to services like preparing applications under the *Mahatma Gandhi National Rural Employment Guarantee* (MGNREG) Scheme for various Government purposes, identification cards, social security plans, and preparing notices and representations. In addition to legal advice, they serve as a fulcrum to access government offices and public authorities. The DLSA has supervisory power over the Clinics.

This Regulation is applicable to clinics established by law colleges and universities. With the approval of the DLSA, Law students can also organize the functions for the clinics (Legal Services Clinics Regulation, 2011 §22). They can adopt a village, coordinate legal aid camps with the help of PLVs, perform surveys to identify local people's legal issues and information about current litigation and pending pre-litigation disputes. The NLSA are tasked with taking the requisite action through social justice proceedings based on the results of the surveys.

There is a dearth of accountability mechanisms, which would ensure that law school clinics undertake the requisite measures to provide legal aid. It lacks the mechanism for dealing with LAC non-performance. The quality of legal services has been diluted due to the lack of accountability of the LACs. People are less interested in free legal aid services due to the quality and responsibilities of the service providers, even though the services are free. LACs are selected out of compulsion - not out of choice. NLSA and SLSAs

have rarely set up monitoring committees to evaluate LACs' performance (Jeet Sing 27).

5.2 A National Legal Services Authority Scheme

The Legal Services Authorities Act, 1987 envisions two goals for Clinics. The first is to develop students' clinical professional skills, and the second is to inculcate a commitment to provide efficient legal assistance to the vulnerable and oppressed. Clinics ensure the teaching of legal and critical thinking skills and instil professional values and ethics through their long-standing commitment to social justice (Sylvester 37). The law school clinic is the ideal place for students to learn about professional legal ethics. Ethics are guiding principles that assist individuals in determining what is right and wrong in their personal and professional life. It plays a crucial role in all facets of human life. Personal and professional ethics are influenced by a variety of factors, including educational, cultural, political, religious, and other societal factors and make a positive impact on many aspects of human life and society. All stakeholders, including teachers, students, professionals, institutions, etc. require ethical education (Nandhikkara 3-5). Though integration of skills and ethics education has added flavour to the teaching of professional skills and responsibilities (Moliterno 68), the absence of ethical rules of practice affects the quality of clinical work.

As per the Bar Council of India (BCI) Rules on Standards of Legal Education and Recognition of Degrees in Law, each University is required to constitute a Legal Aid Clinic (LAC) to be operated by students and supervised by Senior Faculty in collaboration with the LSA. Quality control is a crucial aspect of LAC. *Pro bono* work is student-led with little or no supervision in some law schools, and it is viewed as a service rather than education. Treating legal aid as a service or an annual event rather than as an educational endeavour limits a clinic's ability to serve the people and impedes the development of altruism, ethics, and professionalism (Kemp 20).

The clinic will refer the parties to a local Legal Services Institution for legal assistance at the Court or an ADR centre. Though students may file Social Justice Litigation in public interest in their clinic's name, Bar Council rules prevent students

(Advocates Act §29) and faculty (Advocates Act §49) from practising before Courts in India.

Both the Regulation and the Scheme have failed to address certain critical sustainability factors for Law school clinics. Inadequate financial resources would pose impediments to the achievement of long-term objectives for law school clinics. In some legal education institutions, LACs have not been established so far in accordance with the rules and regulations. More shockingly, in some institutions, while LACS have been established on paper, they are practically defunct. Advocates are not willing to be empanelled due to insufficient honorariums in recognition of their services.

The ongoing pandemic opens up vast possibilities for the establishment of Virtual Law clinics (VLC) at law schools. The VLC would offer online dispute resolution, by employing digital skills and e-practice management. There is a deficit in training students about privacy, security, and its effects on legal ethics, responsibility, and accountability. It leads to ethical issues, placing client confidentiality at risk. The regulation and scheme of NLSA are not comprehensive enough to ensure the effective quality assurance of the law school clinics. The current framework for law school clinics is insufficient to achieve the purpose of preparing students to practice law effectively and ethically.

5.4. *Parichay*: A Collaborative Initiative of Law Schools

When the Indian Government implemented the National Register of Citizens (NRC) to identify Indian citizens and illegal migrants residing in the country, 66,657 people were removed from the NRC in Assam. It was the world's most extensive citizenship determination test. As a result of NRC, many people were at risk of losing their citizenship and thus being sent to detention centres. *Parichay* (meaning 'to identify') is a collaborative project launched by the legal aid clinics of five Indian Law Schools (National Law University and Judicial Academy, Assam; West Bengal National University of Judicial Science, Kolkata; National Law University, Odisha; National Academy for Legal Studies and Research, Hyderabad; and National Law University, Delhi) to provide legal aid for individuals affected by the NRC.

The object of this project is to provide legal assistance to those seeking appeals against their exclusion from the NRC list. Within

120 days of receiving a certified copy of the rejection order, excluded persons were required to file an appeal with the Tribunal. In Assam, approximately 100 quasi-judicial tribunals were in operation. The Tribunal relied on documentary evidence, and the individuals bore the burden of proof. The majority of the population is impoverished, and these oppressed communities have had difficulty in obtaining adequate documentation. In this context, *Parichay* played a significant role in serving the poor and learning by serving. It is a challenge to ensure that the constitutionally assured justice for the oppressed is secured. *Parichay* is a pioneering joint venture for the fulfilment of the goal of providing access to justice to the poor by the institutionalization and coordination of law school clinics.

5. Conclusion

This study investigates whether providing affordable and timely access to justice institutions and legal aid programmes can help achieve SDG-16's goals of stability, justice, and strong institutions. Clinical Legal Education (CLE) emphasizes that access to justice through law school clinics needs to be thoroughly institutionalized. Definitely, the State, not law schools clinics, bears the primary responsibility for providing legal services to the needy. The role of informal justice institutions is vital to support the formal justice system. Moreover, reform efforts have usually consisted of top-down technocratic initiatives that will not be successful in improving access to justice. Informal justice systems are the cornerstone of accessing justice.

CLE has yet to fulfil its full potential. The concerned faculty and students do not receive academic credits for their work, and BCI rules preclude students and faculty from practising before Indian Courts. The Advocates Act, 1961 requires an amendment to allow law faculty and students to represent *pro bono* clients. Further, the Legal Services Clinics Scheme under Section 4 (k) of the Legal Services Authorities Act, 1987 needs to be reframed.

The institutionalization of CLE presents an opportunity to nurture an enduring, symbiotic relationship between the students of the law and the persons who most require the protection of the law. The opportunity is not merely one of learning but one of serving. CLE can be implemented in various ways, depending on

the local conditions and societal needs, and can thus vary significantly in orientation and structure from those at another law school. During the pandemic, introducing an interdisciplinary Health Law Partnership (HeLP) Clinic will boost the healthcare system and promote the human right to health. Law school clinics are undertaking some commendable clinical projects, but only on a micro-scale, in the fields of access to justice. Fostering these practices will serve as a model for National Law Universities and all law schools and colleges across the country.

NLSA and BCI must work with the State to develop inclusive law school clinics so that underprivileged and disadvantaged people can get fair and meaningful justice. SDG 16.6 stresses the expansion of effective, responsible, and transparent institutions at all levels. Clinics serve as an informal, rapid, low-cost, and effective means of resolving conflicts, reducing the adjudication strain of the judiciary. The outcome will be to reach the crucial objective of SDG 16.3 Target- promoting the rule of law and guaranteeing that everyone has equal access to justice much easier.

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