

Role of Positive Psychology in Achieving Global Aim of Access to Justice: A Study of Clinical Legal Education in India

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ABSTRACT

Legal education has progressed in order to generate more competent and active lawyers. Ever since Advocates Act of 1961, the Bar Council of India (BCI) has indeed been critical in controlling legal standards of education and overseeing law institutions that offer law degrees. Conventional teaching approaches are insufficient for the legal education. Clinical Legal Education is an approach that allows students to gain hands on experience while learning. Also it, but not simply via the educational style, spreads the enthusiasm for general public and welfare care amongst law school students. As a result, Legal Aid works collaboratively with Clinical Legal Education.

In skeleton legislation, all minute details cannot be explained, and the judiciary elaborates the horizon of these laws. Morality and law is subject of study where disputes may be resolved at their initial stage. As the circle revolves at present, there is no relation between law and morality, but at this explosive stage, we must look into this issue. Positive Psychology can play a great role in resolving disputes among people. Psychology can infuse morality into law and the system of justice administration where we can see positive societal results.

Legal aid centers are aimed to disseminate information for the benefit of poor people and psychological methods to persuade them to develop their citizen character, respect elders, follow laws in letter and spirit, and use alternative dispute resolution methods. These factors may seem insignificant, but these are of great importance in lowering the cases. This paper will find areas in positive psychology that can play an important role in access to justice and clinical legal education reform.

Keywords: Positive Psychology, Legal AID, Clinical Legal Education, Justice, educational reforms.

1. INTRODUCTION

Legal education is an important component in upholding the values of the Constitution in India, which is a democracy in which 'rule of law' has become the spirit of the Constitution. Legal education has the greatest impact on the development and operation of the judicial framework.

Consequently, legal education is vital in training legal practitioners to play such an important role in society. In addition, legal education emphasizes on the development of competent legal practitioners who are attentive, adept and competent to solve socio-economic challenges. The legal field in a democratic social welfare system is not limited to practitioners who practice in a courtroom. Rather, it is a broad and inclusive term. Education, research, judicial practice, and many administrative positions all fall within the purview of the practice of law.

The Bar Council of India (BCI) is the principal regulatory body in India, empowered under the Advocates Act, 1961, while the University Grants Commission (UGC) is the secondary regulatory agency. The UGC has legislative powers to exercise supervision over universities and affiliated institutions for the purpose of regulating educational standards, comprising legislation. In connection with these general regulatory organizations universities have the authority to govern on a number of subjects related to raising the quality of legal education. Court visits, moot court drills, legal aid activities, as well as other clinical activities are part of the realistic training and capacity building programs of BCI and State Bar Councils.¹

The Advocates Act, 1961 established the BCI as the apex authority to regulate the norms of the legal education. In carrying out its functions, the BCI establishes minimum requirements for admission to any recognized university in order to earn a legal degree. The BCI oversees the enrolment, ethics, practice and rules as per the State Bar Council. BCI's legal education facilities, as defined by the 1961 Act, include promoting and establishing official benchmarks for acceptance of legal education and evaluation the standard of legal education in universities, as well as holding seminars or conferences with renowned jurists and legal concepts. The BCI has the authority to establish rules governing legal education and related subjects.²

The BCI issues regulations on the standards of legal education that universities in India must follow, as well as scrutinize them to ensure that such rules are followed. BCI has exercised its authority under the Advocates Act to bring in several amendments from time to time in Indian legal education.³ Clinical education is a relatively new concept in India. It was established when legal education's governing organisations concluded that lecture learning and teaching were inadequate in generating effective lawyers. Therefore, clinical legal education uses pedagogical approaches in which students learn through real-world experience to prepare law students to practice successfully. Its major objective is to provide legal aid to the economically disadvantaged and ensure that everyone gets justice.

Clinical legal education supports the teaching approach by focusing the mind and heart of law students on the public interest and the sense of justice. Globalization has affected many doors for the advancement of holistic legal education and clinical legal education in particular. This should be promoted through institutional processes so that Indian legal education does not lag behind the rest of the world. We have a legal system where we lack positive psychology and it will bring charismatic change in India as well as in other countries. The researcher would like to mention the tweet on the occasion of International Day of Happiness on March 20, 2022 the Honourable Vice-President of India, Mr. M. Venkaiah Naidu, that "On this day, I call upon the policymakers to accord importance to the psychology of happiness, and schools to inculcate 'happiness curriculum', as it plays an important role in boosting self-confidence and mindfulness in a child and helps instil a positive

outlook from a young age.” He also asked people to shun negative emotions and said policymakers should accord importance to the psychology of happiness. Similarly the researcher suggests bringing positive change in all areas of Clinical legal education including access to justice for all.

2. SIGNIFICANCE

Clinical legal education is a place where legal research and practice collide. Students participate in a variety of human rights issues while receiving clinical legal education in law schools. As a result, learners become more aware of the need for social and economic justice, which prompts many to pursue pro bono cases free of charge after completing their law degree.⁴ This situation is an intrinsic feature of clinical legal education's participation. On a practical level, the students are also well-versed in writing and arguing. Clinical legal education provides an overall grasp of the professional abilities necessary in practise. Students at a conventional legal aid clinic accompany clients in court and participate with projects on their behalf.

They communicate extensively with people who are dealing with real-life legal challenges throughout this process. Students acquire knowledge to communicate effectively with people from a variety of socio-economic, religious, and cultural backgrounds. People who seek legal aid are primarily from marginalised and impoverished groups. This program enables law students to create and support more fair policies in the field of law and professions as judges or legislators. Clinical legal education could therefore play a critical role in legal representation for the poor and underprivileged in society.⁵ The goal of legal assistance clinics created in law schools is multifaceted. It does two things: first, it helps students to have a better legal education, secondly, it gives people access to justice.

Students gain analytical abilities, recognise substantive legal information through research works, and understand the ethical necessity of giving opportunity to fairness through Clinical Legal Education. Clinical legal education is critical in instilling in law students the perceptions, approaches, abilities, attitudes, and feeling of duties that attorneys should possess. When students finish their university degree, they certainly possess these characteristics and are prepared to take on their positions. Clinical Legal Education has a wide range of objectives. Its main objectives are to enable law students to integrate the essential commitments required in law enforcement, law reform, efficient allocation of legal support in the social structure, safeguards of human rights and national good while protecting the core values of professionalism.

3. OBJECTIVES OF THE STUDY

The research objectives are:

1. Gain a basic understanding of India's legal education system.
2. Familiarize yourself with the concept and objectives of clinical legal education.
3. Explain how colleges and their legal aid clinics work together to promote justice law.
4. Examine the difficulties faced by law schools in adopting clinical legal education.
5. Understand the many options open to law institutions to deal with current socio-legal or regulatory requirements.
6. Examining the role of positive psychology in achieving the global objective of access to justice.

4. HYPOTHESIS

This paper will look at the challenges and opportunities of establishing novel clinical legal education courses. As we all know, the Indian government still has a lot of work to do in terms of maintaining these connections and guaranteeing that almost all clinic students can participate in high quality programs. We are facing some additional hurdles in addition to the effectiveness of adding clinical courses to the academic curriculum. First and foremost, clinical courses are offered exclusively in our program with a lacklustre approach. As a result, such topics are not taken seriously by students, and law professors lack the willingness to dedicate the time needed to properly implement clinical approach. Second, our faculty is short of well trained clinic speakers, thus we have a few. Third, these skills to be developed by law school students for a realistic world.

5. RESEARCH METHODOLOGY

The approach used in this study is of doctrinal nature. The findings of this paper are based on a thorough examination of the existing literature as well as Indian law and regulations. The stated goal of this study is to identify the issues and existing barriers that clinical legal education in India faces. Professionals and executives agree that the benefits and possibilities have also been highlighted. To further illustrate the difficulties of the research, the reader has given an earlier revelation of the legal education background in India.

6. INDIA'S LEGAL EDUCATION

The Bar Council of India primarily regulates standard of legal education in India as per the Advocates Act, 1961. Various law schools in India offer legal education, including government-sponsored educational institutions that are financially supported by the state, but private universities and colleges are not receiving any funding from the government. Law programs are offered by university colleges under the supervision of government affiliating institutions. Legal training has historically been provided as a three-year undergraduate degree that can be pursued after earning a bachelor's degree in any field.⁶ However, the previous two decades have been marked by a groundbreaking endeavour in the shape of the National Law School of India University, which began with a new start.

A five-year integrated LLB course, which can be taken after higher secondary education, is becoming more popular. The successful execution of the five-year curriculum plan of the National Law School of India University brought many other Indian schools into the line. Seeing the achievements of the NLSIU, several other states followed the same stance and established their own national law schools.⁷

During the first two years of the integrated curriculum, many of these National Law Schools built on an experimental process, which included science, business as well as other liberal courses, and offered 5-year LLB degrees in multiple streams.⁸ The Bar Council of India in 2008 issued new guidelines on standards of legal education and recognition of degrees in law, which will soon be changed with the approval of the draft circulated.

With over 1000 law schools, approximately 80,000 law students graduate each year, and are licensed to practice. India is now the country of the largest number of lawyers in the world. With such a large

population, it is understandable that law schools will play an important role in advocating and facilitating justice.

Prof. Madhava Menon explained the importance of legal education as follows:

- (i) Legal education plays an important role in directing and regulating social development, and it should act as a general social conscientious in this regard.
- (ii) Legal education must promote better moral principles, high levels of competence and professionalism, and guarantee that no segment of the population is denied accessibility due to poverty or social background.
- (iii) All forms of legal education are designed to affect and avoid errors in government policies on social equality. This should play an important role in correcting government errors, increasing efficiency, and achieving excellence in all areas of its operations.

Three primary committees tasked with delivering legal help summed up what legal aid entails. They recognised seven different types of legal assistance.⁹ They predicted that law schools would play an important role in providing legal aid, and awareness. Students' participation in Legal Aid Clinics would help students to acquire essential skills in legal education, as well as giving them the opportunity to acquire an approach of humanitarian and social perspective.

7. DEFINITION OF CLINICAL LEGAL EDUCATION

Since olden days, practical problem - solving abilities, either in a research lab or even in the outdoors, has indeed been recognised as a vital way of acquiring expertise. Research may make a substantial contribution to improving education and, more crucially, resolving a variety of legal and justice issues.

Traditionally, the phrase "clinical legal education" or "law clinic" represents the non-profit legal practise that serves an interest of the public or a body of citizens in society who are impoverished or vulnerable and do not have access to the court. It's a broad phrase that refers to any learning that aims to help pupils comprehend how the law operates in practise.

The phrase 'clinic' conjures up images of trainee physicians encountering real patients in their physician facilities. The one and only way to bring theory and practise together is through clinical legal education.

Clinical Legal Education, often known as a law clinic, is a word that can refer to a variety of topics depending on the context. A learning atmosphere where learners discover, explore, and utilize knowledge in a context that duplicates, at least to some extent, the reality where it is applied, according to R. Grimes, a well-known writer in the subject. It almost always implies that students takes on a certain component of a matter and handles it as if it were a genuine case. Clinical Legal Education does not intend to produce future attorneys who are simple craftsmen exploiting advocacy capabilities in the conventional function of dispute resolution in court, as per Professor N.R. Madhava Menon.¹⁰

Clinical Legal Education, he says, is a pedagogical method that focuses on the students and indeed the learning experience. Clinical Legal Education is fundamentally a multi-disciplined, multifunctional education that may create the human capabilities and ideology required to promote the legal system, according to Richard Lewis.¹¹

A lawyer who has received such a training would indeed be able to make a far more positive contribution to national growth and social transformation. Thus, constructivist approach or "Learning by Doing" could be considered to be at the heart of Clinical Legal Education. Learners at a standard legal clinic proactively work with clients in lawsuits or collaborate on projects on their behalf. They interact extensively with persons as a result of this process.¹²

They interact extensively with people as a result of this process. They learn how to communicate with individuals from different ethnic, class, cultural, religious, and social standing origins. Law students will be able to create and support more comprehensive regulations in their very own practise as attorneys, including in their responsibilities as judges or lawmakers, thanks to this insight into the life of disadvantaged and underprivileged groups.

8. TYPES OF LEGAL CLINICS

Legal clinics are classified into three groups based on the steps to be taken:

1. **Simulation Clinics:** Learners can benefit from a range of simulations of legal practise scenarios. Trials can be played out in its course, from the earliest instructions through a negotiated resolution or a court appearance. These sessions could be delivered as intense programs or as periodic slots throughout the length of the academic semester. Negotiation activities, client questioning exercises, transactional practise, and so on are examples of other simulations.
2. **Real-client clinics in-house:** The clinic is housed at the law school under this approach. It is available, supervised, and regulated in law school. Clients at this sort of clinic need genuine answers to real issues, which is why it's termed a real client clinic. The customer may be chosen from the general population. Advise simply or advice plus support are provided as part of the service. Clients are questioned and given oral or written advice, as well as assistance with the presentation of their claims, in this sort of clinic. The clinic might function as a paralegal facility or a full-fledged law firm.
3. **Out-of-House Clinics:** This is a clinic which allows students to engage in legal practice outside of the classroom. Such clinics may function solely on the premise of providing advice. Trade union councils or other non-governmental organisations administer such organisations. The clinic might alternatively be set up in a solicitor's workplace or a barrister's offices.

9. THE ADVENT OF CLINICAL LEGAL EDUCATION

Clinical Legal Education has traditionally placed a strong emphasis on instilling in students a sense of personal responsibility for their actions and those of society. Only in the early twentieth century did the notion of Clinical Legal Education become a part of the teaching technique. In 1901, a Russian professor named Alexander Lyublinsky introduced Clinical Legal Education in Law, which was modelled after medical education. Clinical Legal Education first appeared in the United States, backed by Canada, Australia, and the United Kingdom.¹³

When looking at the history of the evolution, it appears that two key causes pushed it:

- (i) an expanding demand for legal assistance, and
- (ii) a need to improve legal education and provide a more realistic orientation to law practise.

The emphasis on law drove discussion of legal practise to the margins, to the extent where any practical instruction in law school looked out of place—except when practicing for a moot court. Legal Education was referred to as "Law School" rather than "Lawyer School." Beginning in the year 1900, opinions from practising lawyers in the United States expressed concern that the training provided to attorneys was lacking in terms of actual practice. In 1921, the Carnegie Foundation for the Advancement of Teaching noticed that, in relation to professional or medical training, legal education lacked practical experience. This can be considered the beginning of the educational revolution that resulted in the inclusion of Clinical Legal Education in several US law schools in the 1960s and 1970s. Current clinical legal education may be attributed to societal challenges such as unemployment and civil liberties concerns, gender equity, and the War in Vietnam, which served as a spur for delivering legal services.¹⁴

At the very same time, the Ford Foundation opted to sponsor the Council of Legal Education and Professional Responsibility, that helped lay the groundwork for clinical legal education as we know it today by allocating funds to law schools to establish clinical legal education programmes. Clinical programmes at American law schools grew in popularity throughout the 1960s, coinciding with the civil rights era and then a national emphasis on poverty reduction. Lyndon B. Johnson, the then-President of the United States of America, proclaimed a war on poverty in 1964, and as part of that effort, he signed the Equal Employment Opportunity Act of 1964. In 1970, the Office of Economic Opportunity financed various legal aid programmes consisting of law firms located in deprived areas with professional lawyers and legal assistants on board as an outcome of this Act.

Clinical Legal Education has now become an important part of practically every law school's coursework in the United States. Clinics are often small law school programmes conducted by full-time instructors in which students develop lawyering expertise by doing legal services on behalf of impoverished or disadvantaged persons and communities. Many law schools offer students to engage in clinics or enable students to meet specific graduation criteria in order to provide them with better tools to thrive in practise.¹⁵

10. INDIA'S EVOLUTION OF CLINICAL LEGAL EDUCATION

In India, formal legal education dates back to 1855. However, it was not until 1949 that the Bombay Legal Education Committee made it a recommendation. As a result, practical courses had to be made mandatory for students who wanted to pursue law as a career. In every professional certification, the instructional approach combined with professional work is critical for the students' proper development.¹⁶ The need of proper training was emphasised in the 14th Report in 1958. Professional training is important in balancing academic and occupational training, according to the Law Commission. It suggested that universities offer professional courses with hands-on experience. The Report examined numerous teaching strategies such as Mock Trials, Workshops, and Practical Exercises, as well as their usefulness in professional schools, in order to put the suggestions into action.

Clinical legal education has its origins in India's legal aid as well as legal education revolutionary movements. In the 1960s, as the legal aid campaign gained momentum, law schools began to participate in legal aid operations as well. It was anticipated that law schools may play an important role in delivering legal services, which could be accomplished through Legal Aid Clinics established at individual law schools.¹⁷ As a result, clinical legal education gained traction in India's formal training in the late 1960s. With the help of academics and students, Delhi University launched a Legal Service Clinic in 1969. Nevertheless, this was a volunteer effort, and there was no endeavor to institutionalise and incorporate the Clinics into the educational course. The goal of establishing one such clinic would be to provide legal assistance to prisoners.

The BCI implemented four required practical and effective papers in law colleges beginning in the 1998-99 academic year, which marked a substantial advancement in Clinical Legal Education. Many law schools now provide legal assistance through Legal Aid Clinics for course credit, owing to a circular that made Clinical Legal Education obligatory. The Law Commission of India recommended that perhaps the BCI and the UGC collaborate to induce positive changes in legal education in 2002. In its 2007 report, the National Knowledge Commission advised that legal training be righteous, however an impartial governmental body oversee all elements of legal education be established.

The BCI changed the curricula for law majors in 2008 and produced Rules on Legal Education Standards and Recognition of Degrees in Law. Mandatory Clinical Courses were added to the revised Rules, as well as internships, moot court, or simulations as necessary requirements for earning a degree in law (BCI Rules).¹⁸ The regulation also required that each school construct and operate a Legal Aid Centre, which would be overseen by a senior university professor and staffed by final-year students who would work with legal assistance bodies, volunteer attorneys, and non-governmental organisations. The Rules, on the other hand, are silent on course credit for legal assistance services.

However, a thorough examination of clinical legal education reveals that current clinical or pragmatic education is basically a continuation of traditional instruction, with no focus on real training in the true meaning of the term. As a result, including clinical legal education within the syllabus through organizational processes is critical. Assume that attempts are undertaken to connect clinical legal education, the courts, and the Legal Services Authority. In that situation, it can help to integrate Article 39A of the Constitution,¹⁹ Article 8 of the Universal Declaration of Human Rights,²⁰ and Section 4(k) of the Legal Services Authority Act.²¹

As a result, the notion of clinical legal education had developed and contributed to the development of a new methodology in the education of law. This also plays a critical mediating role in the relationship between legal theory and practise, or certainly the setting in where they work, to a great extent.

11. CLINICAL LEGAL EDUCATION: APPLICABILITY IN INDIA

In most developed and emerging nations, clinical teaching is becoming an important aspect of legal education. India's legal education has indeed been called a "sea of institutionalised ineptitude with only a few islets of greatness." It is important to remember that law cannot develop unless it communicates with public and connects with other areas of the law. In its 184th Report (2002), the

Law Commission of India highlighted legal education topics such as radical changes brought about by advancements in communication, networking, and technology advancement, proprietary information, commercial law, cyber security, civil rights, conciliation and arbitration, global commerce, comparable tax rules, space law, and environmental laws, among others.

Law itself, legal structures, and legal practise are all undergoing a paradigm transition. Because the intricacies of modern life compel attorneys to fulfil many roles, it is vital for legal institutions to provide them with adequate legal education. Law schools and the practising Bar Council were founded with different aims and goals in mind. Clinical legal education is today confronted with significant issues all around the world. The manner the legal profession had worked in the past has fostered a broad suspicion of attorneys, as well as a view that perhaps the profession had forgotten its mission and societal responsibility.

Even though Indian legal education produces highly skilled, skill-oriented legal experts, society may well not profit from them since Indian culture requires not just highly specialized and competency lawyers, and also who already are ethical and socially responsible and also have culturally conscious lawyering abilities.²² To put it another way, engaging with social issues and movements makes legal education increasingly meaningful and relevant, and to achieve this, a liberal, comprehensive, and dispersed integrated curriculum building and clinical teaching innovation is required.

The Government of India established a Committee for Implementing Legal Aid Schemes in 1981, which was led by Justice P.N. Bhagwati, the then-Chairman of the Supreme Court of India. It was established with the goal of putting plans into action.

It was established to carry out Legal Aid Schemes, with a focus on promoting legal literacy, organising legal aid camps, and creating legal aid facilities at law colleges and universities. Nevertheless, just a few attempts have been made in India to adapt legal education to match the difficulties of the profession. Because faculty involvement was discretionary, no meaningful efforts to incorporate clinics into the program were done. The legal schools were not logistically or professionally prepared to take on such a massive duty, which was the fundamental cause for their failure. In today's world, the obligation for instructing law students in practical concerns is probably passed over to the legal textbooks, with clinical legal education receiving little attention.²³

There are a number of elements that contribute to this. Some of them include:

- i) The absence of appropriate steady funding is at the root of all the impediments to the expansion and viability of clinical legal education in emerging nations, particularly India. As a result, the personnel is subjected to frequent turnover as funding flow and go. To put it another way, their client prioritization are frequently determined by donors rather than community needs.
- ii) No credit is offered to students who participate in these activities, which makes them unique to individuals and discourages them from following through on their promises.
- iii) Another impediment to the successful execution of Clinical Legal Education is the lack of empirical expertise among law professors.

Following a thorough examination of the structure and condition of clinical legal education in India, it's indeed clear that its major goal in India is to ensure social equality. It allows students to develop

realistic legal skills while also training and facilitating the offering of legal services to low-income populations who might be unlikely to obtain legal assistance.²⁴ Despite the fact that the Bar Council of India has mandated Clinical Legal Education as part of the curriculum, institutions have showed little interest in implementing it. Currently, there is a pressing need to provide a platform for law schools to promote legal education in order to ensure a promising future in the coming years.

12. NEED FOR POSITIVE PSYCHOLOGICAL CHANGE

Clinical legal education, as a part of legal education, aims to provide practical experience and theoretical knowledge. Although it is a part of the law school curriculum. In recent years, clinical legal education has developed as a concept where employers are looking for students with practical training. Students have become eager to sharpen their practical legal skills before they complete their education. That is why the students' psychology can be changed in the beginning, even from the time of their elementary education. Until they give their best to learn the practical aspects of their study, they will not succeed and the period of their struggle will increase. Furthermore, a teacher with an indifferent attitude cannot make the students' attitudes positive. A law school must have a functional law clinic. However, traditional methods of clinical legal education emphasize that the problem is not confined to India. It is a global issue. Law clinic can provide students a vital role in complex litigation and tackle the cutting-edge issues of law while remaining true to the clinical model.

Every sphere of human life demands a positive attitude and psychology to bring positive results. This will be a panacea to solve all socio-legal problems. A table is given in this paper and it is the result of study of research made by different authors from different countries. Various areas are indicated in this table where we lack legal literacy programs as it is generally given without any consideration, government releases a negligible amount for clinical programs, advocates consider that free legal services will make them unemployed, ICT awareness programs are minimal, senior advocates, mediators, professionals, academicians should consider their moral duty to transfer their experience, knowledge to the new generation, academicians should contribute to the existing literature and should come forward to suggest changes in legal education. Law is not static, and legal education requires regular structural changes. In India, at present on all these issues, regulatory authorities have indifferent attitude.

The researcher has tried to explain this issue in the form of a table drawn below. It is self-explanatory two roots of Clinical Legal Education is discussed here at length, which is Legal Aid to achieve the universal aim of access to justice for all and legal education reforms are explained here as under:-

Clinical Legal Education

CL E	Roots	Aims & Objectives	& Methods to achieve aims & objectives	Challenges & Barrier	Consequences	
					Positive/ By providing CLE	Negative/ In absence of CLE
1.	Legal Aid to indigent persons	Access to Justice (To secure social Justice)	Legal Literacy	Ignored due to cut throat competition, it becomes	Stakeholders will be aware of their rights and duties	People will be unable to know their rights and

			secondary			duties
	Allocation of funds	Unequal resources/ Lack of funds to run Legal Aid Clinics	Resources will be beneficial to achieve the aim and objective of CLE			It will be merely hypothetical , if there is no Infrastructure and facilities
	Free legal work/ services	Conflict of interest of Legal professional s/ Advocates	It will be bridging the gap for indigent persons			A large number of people will not get the aimed free legal services
	ICT- Information Communication Technology in legal awareness	Depends on many factors- Internet, elementary knowledge of IT tools	All have mobile and through advertisements, caller tune may be started as we had during COVID-19			People will not be trained to use IT tools and they will become cyber victims
2.	Legal Education Reform Movements	To prepare curriculum as per need of the contemporary education system	By making it a mandatory responsibility of the legal fraternity to contribute their fixed hours annually i) Academicians ii) Judges iii) Law students iv) Advocates v) All other literates	Law is not static and changes with time	Maximum suggestions will help to reform legal education	Legal reform will be sluggish
	Curriculum Design by a committee of academicians and	BCI is unable to meet	Academician and practitioner			Participation of academicians

BCI must include academicians in 50 % ratio	present requirement as it is dominated by non-practicing lawyers	in fifty percent ratio will help to achieve the aim	s the aim will not be achieved and there will be gap
Pedagogy mixed with practical trained professionals (Advocates, Arbitrators, corporate, experts, etc.) and with various experts to prepare trained professions	In academics most of the teachers are not having practical experience of their field	Chances of employability will increase	Untrained educated person will have to struggle for years
Building teaching material	Lack of literature	Conceptual pictures will be clear for taking step ahead	Most of the teachers do not know the concept of CLE
Separate Permanent Commission on Legal education to prepare reports and to give suggestions at frequent intervals	At present we do not have permanent Commission on Legal Education	Timely change in legal education will come in to effect	Change will be sluggish

13. ROOTS OF LEGAL EDUCATION

Clinical legal education in India has two roots one is legal aid and the other is legal education reform. Legal aid is to achieve the objective of access to justice for all. It is not limited to India only. Because a person who has no resources can be in any part of the world and it results in failure to achieve the objective of access to justice.

The aim of Legal education reform may be achieved by making it compulsory for law students, researchers, academicians, Judges and legal professionals to give suggestions mandatorily as a part of their studies, teaching and profession.

14. METHODS OR WAYS TO ACHIEVE AIMS & OBJECTIVES

1. Legal Literacy: Legal literacy is the one method to achieve the aim of access to justice for all. A study by the World Economic Forum published in 2020 found around 22 crore Indians sustained on an expenditure level of less than Rs 32 per day—the poverty line for rural India by the last headcount of the poor in 2013 in India.

Challenges and Barrier in Legal Literacy: Persons who are hand to mouth and involved in earning day to day living have an indifferent attitude about their rights and they accept their miseries as a part of their lives resulting from injustice.

2. Allocation of Funds: In India funds allocated for this purpose are nominal and it does not reach the real beneficiary.

Unequal resources as a barrier: In Indian legal education a great difference can be seen. A few institutions have good infrastructure to start a legal aid clinic and most lack the basic amenities to provide elementary legal education.

3. Free legal services: Free legal services cannot be imparted in reality because everyone needs consideration. It is in conflict of interest of legal professionals is a challenge

4. Use of ICT-Information Communication Technology in CLE: We can see that courts are overcrowded every time, and during COVID-19, we started using ICT tools as an inevitable method to solve the cases. It is time-saving, and for an advocate who was having apprehensions that the Court would hear his case or not now, he has an opportunity to explain his point. This online hearing method avoids nuisance and gives them more opportunity to present their case through their advocate. But in teaching, this method lacks practical skills effectively.

Dependability of many factors to use ICT resources: To use ICT tools a person must be computer savvy. During COVID-19 a message was there to use a mask and maintain distance. Similarly a message in every State or District having facility of Legal Services Authority may be started.

15. CLINICAL LEGAL EDUCATION: INDIA AND UNITED STATES

Students in many American and Indian law institutions have clinics or legal assistance cells where they may interface with disadvantaged and vulnerable groups. Clinical programmes in the United States are, on the whole, more structured and incorporated into law education curriculum in comparison to the Indian legal education centres. Before exploring how legal clinics aid in the advancement of democracy, we go over the clinical programmes in both nations in greater depth. Clinics are smaller law school programmes conducted by full-time professors wherein students develop practicing law skills by doing legal services in support of impoverished or underprivileged individuals and groups in the United States.

Clinical courses at American law institutions grew in popularity in the 1960s, coinciding with the civil rights struggle and national emphasis on poverty reduction. Many clinics in this period were used by students to provide free legal services to people in the surrounding area who could not pay

them. Most law colleges in the U.S. now include clinics in their coursework in a variety of fields of law, including small company legislation and human rights legislation.²⁵

In today's more competitive legal education for law school graduates in the United States, certain law students have refocused on clinical legal education. Some law schools encourage students to engage in clinics or enable clinics to fulfil certain graduating criteria in order to provide their students with better equipment to thrive in practise.

Law schools are increasingly being pushed by bar organisations as well as other regulatory agencies and provide greater practical learning experiences. The New York State Bar Association requires that anybody seeking membership to the New York Bar, which would be required to practise law in the state, complete at least Fifty hrs of pro bono work. Beginning in 2017, students are required to complete 15 units of training, practical work is required as an internship comparable throughout law school to be elected to the California Bar.²⁶

While clinics differ greatly, most school of law clinics in the U. S. have a few fundamental characteristics. To begin with, they have low student-to-teacher proportions. This is to guarantee that students' actual work is thoroughly overseen and that they receive proper evaluation.²⁷

Second, many law schools hire clinical teachers who have substantial practical expertise and teach solely in the clinical programme. These academics are all on the identical career track as non-clinical lecturers at some colleges. They work on lengthy or short-term contracts at many different institutions. Third, almost all clinics are given for law school certification to students. This permits students to engage in clinics while still studying towards their criteria for graduation. Clinical legal education is therefore overseen and explicitly included into the law college syllabus throughout many law institutions in the United States.

16. CLINICAL LEGAL EDUCATION IN UK

CLE is becoming a common element of law school practise in the United Kingdom. Carney et al. performed the most current thorough study of clinical activities on behalf of Law Works in 2014. They received answers from 80 law schools in the United Kingdom, accounting for 73 percent of the total. 96 percent of those who did pro bono or CLE work, which translates to at least 70 percent of all UK law schools. This is a little rise from the last poll in 2010, but a significant increase when compared to the initial study in 1995. According to Carney et al., this translates to about 10,000 law students participating in CLE events from across UK. The report from 2014 demonstrates the growing diversity of activity in the CLE.

With 45 law schools providing generalist guidance and 35 providing specialty advice, law clinics have been the second most common cause of engagement. Employment, Family, Welfare, and Housing have been the four most popular mode of law among specialised guidance clinics, despite the fact that state-funded legal aid in these areas is shrinking. Other projects have included Project, courtroom and tribunal advocacy, and other tasks such as mentorship and form completing help.²⁸

According to the research, CLE activity is rapidly being integrated into the academic curriculum as an essential component of degree courses, with 25% of law schools now offering course credit in their CLE schemes, up from 10% in 2010. It might be a reflection of broader developments in higher

education, such as the push to include employability skills in undergraduate degree programmes, as well as growing market rivalry among providers.²⁹

As a result, the present environment at UK law schools includes a diverse and lively CLE programme, which has increased significantly because the Universities of Kent and Warwick pioneered clinical legal education with in 1970s. Part B's concluding segment will include some quick remarks on some of the issues.

The last piece will provide some brief observations on some of the problems and possibilities that CLE faces in the evolving legal education environment of the United Kingdom.

17. TRAINED AND UNTRAINED LEGAL PROFESSIONAL AND IMPLEMENTATION OF CLINICAL LEGAL EDUCATION IN INDIA

Sharing of experience by highly trained experienced professionals in CLE's

Objectives of Clinical Legal Education can be achieved only when the highly trained experienced professionals share their experience with the students and it will bypass the way to become an untrained professional. 60 lectures may be made mandatory in a semester or during the LL.B. program to attend to equip them with their experience.

Practical training to the candidates having legal education to make them good professionals

Every profession has its own professional "know-how." A few professions are being taken seriously as medical education has a stiff procedure for entry and training the medical students in a manner that they can meet the needs of society, but legal professionals, in the absence of such training, cannot meet the needs of the society. Most have formal legal education but they lack in its use and implementation as a true professional is supposed to do so.

Advocate on Record in Supreme Court of India

In the Supreme Court of India, Advocate on Record (AoR) has to register themselves under a senior advocate for a specific period, and after that, they appear in a written test to become an AoR. They check the petitions meant for filling in the Supreme Court of India and sign and approve as a fit draft for consideration by the Apex Court in India. Likewise, every person having legal education must cross this type of condition to enter the legal profession. It will improve the quality of the legal profession, and untrained people will be filtered, and if they want to join this noble profession must pass this process as a mandatory one.

Getting an education is equality before the law, but trained professionals can only get equal protection of laws.

Equality before the law means all are equal, but equal protection of laws means equality among equals, and we cannot equate untrained and trained professionals in one category. To segregate them, we must have the process as mentioned in the case of Advocate on Record. After completion of a similar process, equal protection is to be given. In India, most of the students enter to educate them about the legal profession, as it attracts in its outer glittering appearance, but it demands a lot of hard work. Students preparing for competitive exams enter this profession to bridge the gap due to their

preparation of years, and employed persons also complete their education from private educational institutions. Many private universities sell these degrees to attain financial stability. It has deteriorated the quality of legal education in India, and needy, genuine candidates have to remain in the queue due to these untrained professionals. Bar Council of India is unable to inspect these colleges as more than one thousand centers for legal education have mushroomed. The Bar Council of India charges a hefty inspection and continuation fee from these educational institutions, and there is no sign of any practical training to improve the standard of legal education by BCI when it is asked to do so BCI only reply in the Supreme Court about shutting these centers and in reality fail to do so.

Bar Council of India and its online web portal

For Positive psychological change Bar Council of India (BCI) requires to change their functioning. BCI is the only statutory body that does not have such a web portal as other academic statutory bodies have. Indian Nursing Council has a web portal where tutors are registered. If a teacher transfers from his or her education institution, their relieving date is mentioned, and No one cannot deny their teaching experience. Similarly on AICTE web portal each and every details are fed on the web portal. Surprisingly BCI has not started this type of registration of teachers and students to avoid such anomalies. In different words, these loopholes are left advertently to give benefit to such low standard, non-attending educational institutions to continue due to political pressure. By regulating it proper the positive change in legal education can be seen.

Moreover, at least trained persons in the legal profession should impart some skills to make them confident and learn about the legal profession in practice which they will learn after decades in the absence of clinical legal education. For example, drafting skills and resolving the case method with the skill required by the legal profession must possess by the degree holder. New entrants demand India's bar council that financial aid be provided for a few years in starting legal careers. But the researcher believes that the seniors must teach the required skills to new entrants by considering it their moral duty. Financial assistance will not suffice for new entrants or solve the purpose. This will have a long-lasting impact if a new entrant can earn a living with his skills taught by using the clinical method. BCI can bring positive change and this will lower down the pendency of cases in India.

Socratic way of teaching and CLE

In this manner, a student can be motivated to learn in a way that will be a step ahead to enable him to develop critical thinking and problem solving, which will be beneficial for society and remove the pendency of cases in courts. These students will play different roles in resolving issues in the community. This scientific approach makes every person of the justice delivery system and compels them to think about where they lack to achieve their goals and objectives.

18. RECOMMENDATIONS

For Clinical Legal Education in India to have a promising future, the following initiatives should be taken:

- i) Creating more precise data about the legislation and its organizations in various places so that individuals can readily figure out how to get there and also what assistance they may expect.
- ii) In remote or semi-urban locations, legal clinics must be created for each Law College or university and made freely available to local residents.
- iii) Students need to be given the authority to handle all matters that come into the legal clinics, such as the questioning and advising of the clients. Simply said, if an individual requires legal assistance, law clinics can serve as a link between the lawful power and the individual by providing the needed legal representation.
- iv) Create training materials based on case histories from the Clinic's various services.
- v) The University Grants Commission (UGC) should perhaps examine at certain model universities with excellent clinical operations and well-trained clinical faculty and staff, using these examples to design a program for the clinical staff training course.
- vi) The Bar Council of India shall also take appropriate measures to ensure that Clinical Legal Education runs smoothly. A commission, for particular, should be constituted to oversee the implementation, inspection, and supervision of therapeutic programmes in various organizations.
- vii) The government, legal fraternity, and civil society in India are working together to plug the loopholes in the long-standing system.
- viii) Per capita expenditure should be increased with the budget allocated to NALSA. In addition, provisions may be made to enhance compensation for lawyers empanelled for legal aid and for companies to spend their Corporate Social Responsibility (CSR) funds to improve service quality.
- ix) Lawyers, legislators, and the judiciary must recognize their role in upholding the vision of Article 39A. As part of their professional responsibilities, both experienced lawyers and newcomers to the bar must volunteer to represent the poor. Legislature and judiciary collectively need to put in place a strict framework to encourage each advocate to take up cases at least five cases free of cost annually. Importance to the experience of legal aid in the appointment of senior advocates/ judges and teachers may be given for spreading the positive psychological change among future of the nation.

19. CONCLUSION

Clinical Legal Education in India has always had its origins in the legal assistance and professional training revolutionary movements in India, as component of a bigger attempt to enhance the standard of legal practise and raise lawyer understanding of professional and societal duty. Prof. Menon correctly points out in his work that the law curricula does not really effectively reflect the evolving function of law in a growing society, and law training somehow does not consider the modern social engineering skills needed of prospective lawyers. Clinical Legal Education must focus on teaching students with just a focus on promoting their advocacy abilities, as well as developing the perceptions, ideas, abilities, ethics and sense of responsibility that attorneys are expected to have after completing their professional training.

Clinical legal education allows students to develop practical legal skills while also training and facilitating the supply of legal services to low-income populations who might otherwise not be able to obtain legal counsel. Another rationale for clinical legal education that I have presented in this article is that it helps to bridge the gap between institutions and localities.

Students come to humanise persons from different backgrounds as a result of their work in legal clinics.

A large number of law students would go on to become MPs, judges or lawyers. Students will use our law school clinic expertise to design more equitable laws and draft more efficient policies to address the nation's overall well-being. Their time spent in the clinic may have an impact on their future employment options.

Some graduates might choose to dedicate their life to correcting disparities as a result of their involvement in a clinic, while others will provide pro bono assistance to the needy. Whatever job path these students choose, their encounters with diverse and marginalised populations will shape how they engage in the country's democracy. Students who serve and speak for impoverished and oppressed minorities will obtain an understanding of the issues encountered by individuals outside of their socioeconomic classes, as well as the capacity to propose policies that help the whole country. By formalising and incorporating clinical engagement programmes within their curricula, Indian law schools may increase their clinical involvement.

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