

National Legal Services Authority (Legal Services Clinics in Universities, Law Colleges and other Institutions) Scheme, 2013.

Background

Section 4(k) of the Legal Services Authorities Act, 1987 mandates the National Legal Services Authority to develop, in consultation with the Bar Council of India, programmes for clinical legal education and promote guidance and supervise the establishment and working of legal services clinics in universities, law colleges and other institutions.

The National Legal Services Authority has already notified the National Legal Services Authority (Legal Aid Clinics) Regulations, 2011 with the object of setting up of legal aid clinics in villages or for a cluster of villages, similar to the primary health centres set-up in the rural areas for the benefit of the rural population. These Regulations are applicable *mutatis mutandis* to student legal aid clinics. Regulations 22 to 26 of the National Legal Services Authority (Legal Aid Clinics) Regulations, 2011 pertain to the legal services clinics in the law colleges and universities.

The legal services clinics envisaged in Section 4 (k) of the Legal Services Authorities Act, 1987 aims at two objects. One is to improve the clinical legal skills of the students and the second is to inculcate an attitude amongst the students to provide effective legal services to the poor and marginalized people.

It needs to be mentioned that the Bar Council of India, being acutely aware of the need to provide practical experience of legal practice to the Final year students of law, has provided in Clause 11 of the Schedule III to its Rules on Standards of Legal Education and Recognition of Degrees in Law for the purpose of enrolment as advocates and inspection of Universities for recognizing its degrees in law, that each institution shall establish a Legal Aid Clinic to be run by the students under the supervision of a Senior Faculty Member in co-operation with the Legal Services Authorities.

Thus, the Legal Service Clinics Scheme under Section 4(k) of the Legal Services Authorities Act, 1987 needs to be framed adopting holistic approach providing a collaborative programme by involving Statutory bodies under the Legal Services Authorities Act 1987 and Advocates Act 1961 and extending support to universities, law colleges and other institutions in establishing and running legal service clinics.

It is in this background, scheme has been drawn up:-

1. This Scheme may be called the National Legal Services Authority(Legal Services Clinics in Universities, Law Colleges and other Institutions) Scheme, 2013.
2. The objectives of the scheme are:
 - a. To set up nationwide collegiate Legal Services Clinics to familiarize law students of the country to the problems faced by the masses ignorant about their rights and remedies under the law.
 - b. To attain the ideals of "Social Economics and Political" justice as enshrined in the Constitution in the backdrop of poverty and inequality, by reaching out to the marginalized and the vulnerable communities through the collegiate Legal Services Clinics.
 - c. To spread legal awareness among students and people at large through aware camps, seminars, debates, legal counseling, poster making and street plays.
 - d. To expose students to community services.
 - e. To introduce the students to socio-economic impediments to access to justice.
 - f. To provide the students a plat form for the empowerment of socially and economically backward groups or individuals.
3. (a) Every university, law college or other institution shall set up one or more Legal Services Clinics in their respective Institution.
 - (b) Depending on the needs of the people of any particular locality, the head of the institutions may set up off campus Legal Services Clinics on or temporary basis.
 - (c) Adequate publicity of the existence of the Legal Services Clinic and its location and working hours shall be given by the respective Institution.
4. (a) Every Legal Services Clinics shall have at least one furnished room within the institution facilitating client counseling.
 - (b) The Legal Services Clinic shall have a work station for the students in the Legal Services Clinic, installed with computer with internet and printer to facilitate research, preparation of cases, presentation, publication of legal aid literature, etc.

- (c) There shall be a class room adjoining to the workstation where the faculty members of the Legal Services Clinic may address the students, guide them or give them instructions and clear their doubts.
 - (d) Endeavour should be made to provide a people friendly environment at the Legal Services Clinic.
- 5.
- (a) Each Legal Services Clinic shall have one or more Faculty member who possesses special skills and interest in clinical legal education to guide and supervise the students.
 - (b) Each Legal Services Clinic shall also have one or more part time Guest Faculty member drawn from experienced lawyers including those on the panel of the Legal Services Institutions and retired judicial officers and functionaries of the Legal Services Institutions.
 - (c) The honorarium payable to the Guest Faculty shall be as determined by the SLSAs and shall be payable by the District Legal Services Authorities concerned.
6. (a) Apart from the activities to be decided by the State Authorities, the activities of the Legal Services Clinics shall include:-
- i. Client counseling and follow up assistance to special reference to marginalized communities.
 - ii. Arranging workshops for various functionaries of the legal system such as lawyers, students, NGOs and government agencies.
 - iii. Carrying out field surveys
 - iv. Organising street plays and poster exhibitions on socio-legal issues
 - v. Adopting village or villages or slum areas for legal services activities.
 - vi. Guiding parties to the local Legal Services Institution for litigation-related legal assistance at the Court or at the ADR Centre.
- (b) The students may take the help of or extend help to para-legal volunteers selected by the State/ District Legal Services Authority in carrying out any of the activities under sub clause (a).
 - (c) The District Legal Services Authority shall make available the services of para legal volunteers in the Legal Services Clinics.

- (d) The District Services Authority shall also assign a Panel/Retainer Lawyer to attend the Legal Services Clinics at such frequency as may be found appropriate.
- (e) The travel and incidental expenditure shall be met from the funds given by the District Legal Services Authority.
- (f) The students shall always be conscious that they are only to provide the initial advice and assistance as provided for under the National Legal Services Authority (Legal Aid Clinics) Regulations, 2011.
- (g) The Chairperson and/or the Secretary of the District Legal Services Authority must visit at least one Legal Services Clinic in the District in a month in order to monitor the work being done.

7. If in the course of their activities at the Legal Services Clinics as provided under Clause 6 of this Scheme, students identify issues that affect large groups of people, they may file Social Justice Litigation in the name of their Legal Services Clinic with the approval of the concerned Legal Services Institutions.

- 8. (a) Every University, Law College or other institution shall provide in their annual budget for a specific sum of money as a grant to the Legal Services Clinic which may include any grant given to the Law College or institution by the UGC or by the University to which it is affiliated for the purposes of legal aid activities.
- (b) The District Legal Services Authority shall also regularly provide such monthly sums not more than Rs.10000 /- , and as may be fixed by the State Legal Services Authority, for the running of the Legal Services Clinic.
- (c) The Legal Services Clinic may receive donations from individuals or from other bodies. Such donations shall be received only by the of the Law Colleges or other institutions for which receipts shall be issued. The donations so received can be used not only for meeting the expenses of running the Legal Services Clinic but also for its infrastructural development.
- (d) The Head of the college/university or other institutions where the Legal Services Clinic is functioning shall furnish an utilisation certificate signed by him at the end of every financial year for the funds received from the District Legal Services Authority.
- (e) The Head of the university, college or other institution shall maintain proper and audited accounts of the funds received and spent in respect of the Legal Services Clinic.

(f) The District Legal Services Authority shall have the powers to inspect the accounts of the collegiate Legal Services Clinic functioning in the colleges, universities and other institution.

9. Every Legal Services Clinic shall maintain records, of including the attendance of students, as required under Regulation 20 of the National Legal Services Authority (Legal Aid Clinics) Regulations, 2011.

10. The District Legal Services Authority may provide staff and infrastructural support as may be feasible including computers and the stationery required by the Legal Services Clinic for its day to day functioning.

11. The District Legal Services Authority shall send half yearly reports on the functioning of the Legal Services Clinics under its jurisdiction to the State Legal Services Authority.

12. The State Legal Services Authority shall conduct a half-yearly review of activities in the Legal Services Clinics in the law colleges and universities and other institutions by inviting the Heads of the institutions, or his/her representatives and a representative of the students from each clinic. At these Meets, good work done may be appreciated and commendation certificates given to the best Legal Services Clinic.

13. The State Legal Services Authority shall furnish the details of the working of the legal Services Clinics in the prescribed format to the National Legal Services Authority on yearly basis.
