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Role of Moot Courts, Legal Aid Clinics and ADR Cells

C. MANJULA GOUR*

ABSTRACT

Law schools in India have played a crucial role in moulding law students and preparing them for the legal profession. The educational framework adopted by an institution is blended with its teaching-learning process and the needs of its target audience. It is an essential requirement that a law student receive adequate practical training before entering the legal profession and addressing the needs of justice in the country. The development of mooting in India can be traced to the Bar Council of India's organisation of a national moot court competition in 1981, and moot court exercises subsequently became an important component of legal education. The emergence and expansion of National Law Universities further strengthened the emphasis on experiential and clinical legal education. Mooting is an important activity for law students, as it develops skills relating to legal research, drafting, written submissions, oral advocacy, presentation, legal reasoning and analysis. The Bar Council of India's Rules of Legal Education, 2008 expressly recognise moot court exercises and internship as components of legal education and provide for written submissions and oral advocacy as part of moot court assessment. Legal aid clinics have an important role in providing practical exposure to students while facilitating access to justice for persons who require legal assistance. The constitutional commitment to equal justice and free legal aid is reflected in Article 39A of the Constitution of India. The Legal Services Authorities Act, 1987 establishes the statutory framework for providing legal services to eligible persons and for promoting access to justice. The Act also envisages the development of programmes for clinical legal education and the establishment and functioning of legal services clinics in universities, law colleges and other institutions. Legal aid clinics and legal aid cells in law institutions can thus contribute both to student training and to legal assistance for disadvantaged and marginalised sections of society. Alternative Dispute Resolution (ADR) provides mechanisms for resolving disputes outside conventional litigation and includes processes such as arbitration, conciliation and mediation. Section 89 of the Code of Civil Procedure, 1908 provides a statutory framework for referring appropriate disputes to arbitration, conciliation, judicial settlement including settlement through Lok Adalat, or mediation. The Arbitration and Conciliation Act, 1996 provides the principal statutory framework for arbitration and conciliation in India. Lok Adalats operate under the Legal Services Authorities Act, 1987 and provide an

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institutional mechanism for the settlement of disputes. The Mediation Act, 2023 further provides a comprehensive statutory framework relating to mediation in India. The inclusion of ADR in legal education therefore enables students to understand dispute-resolution mechanisms beyond traditional adversarial litigation and to develop skills in negotiation, conciliation, arbitration and mediation. The Bar Council of India's Rules of Legal Education, 2008 specifically include ADR in the legal curriculum and emphasise negotiation, conciliation and arbitration through practical exercises and case studies.

Keywords: *Moot Court, Legal Aid Clinics, ADR Cells, Mediation, Legal Education*

I. INTRODUCTION

"Injustice anywhere is a threat to justice everywhere." - Martin Luther King, Jr.

Legal education has undergone a major shift from theoretical to practical teaching and learning procedures. It is no longer limited to textbooks and lectures. This enables the student community to explore, enhance and empower themselves with the skills required for a real-life connect. Institutions in India have integrated moot courts, legal aid clinics and Alternative Dispute Resolution (ADR) cells into the curriculum as learning mechanisms, as the Bar Council of India (BCI) has mandated. Legal pedagogy underlines professional ethics, social responsibility and experiential learning.

The fundamental principle of any legal system is access to justice, ensuring that individuals, regardless of their socio-economic status, can seek and obtain remedies for their grievances. The concept of justice is deeply embedded in democratic societies, emphasising equality, fairness and the rule of law. Article 39A of the Constitution of India requires the State to ensure equal justice and free legal aid. Moot courts, legal aid clinics and ADR cells operate this constitutional mandate at the grassroots level.

The legal institutions collectively address the need for skill development among law students through moot courts, access to justice for marginalised communities through legal aid clinics, and efficient dispute resolution through ADR cells. These mechanisms strengthen the justice delivery system. They play an important role in bridging the gap between theoretical knowledge and practical application.

Moot courts enhance courtroom etiquette and analytical skills and develop advocacy and research skills. Legal aid clinics and cells help students to understand the need to promote access to justice and the functioning of the Legal Services Authorities in providing free legal services. ADR cells enable the thought and practice of dispute resolution methods. These are the three pillars of modern legal education.

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This paper critically examines the role, significance and challenges of these three pillars. It critically analyses their effectiveness in achieving the objectives of justice delivery and legal education.

The concept of legal aid in India dates back to the period between 1960 and 1970, when law schools borrowed the initial programme structure from the clinicians in the United States of America.[1]

It was in the year 1973 that the Report of the Expert Committee on Legal Aid, published by the Ministry of Law, Justice and Company Affairs under the chairmanship of Justice V. R. Krishna Iyer, gave recommendations to involve students in making legal aid available to the marginalised communities.[2] The recommendations given by Justice V. R. Krishna Iyer were followed by Justice P. N. Bhagwati through his Report on National Juridicare, 1977-78. The report highlighted the need for and the importance of law schools in filling the huge gaps that existed in the system, and how they could be used to drive social justice goals.[3] Professor Dr. N. R. Madhava Menon, who established the National Law School of India University in the year 1986,[4] modelled it on the lines of involving law students as 'problem solvers' and 'societal leaders'.

Despite various efforts to imbibe value education and advance the goals of justice through legal aid in law schools, there were not many documented references during that period to the involvement of students in legal aid clinical activities, except at Banaras Hindu University and Delhi University.[5]

The Bar Council of India's role in practical legal education is as follows:

- The recommendation to incorporate practical training into the curriculum was made in the year 1977.
- The National Law School of India University (NLSIU), Bangalore, was set up in 1986-1987 and introduced revolutionary methods of teaching, including compulsory internships and moot courts.

[1] Frank S. Bloch & Iqbal S. Ishar, *Legal Aid, Public Service and Clinical Legal Education: Future Directions from India and the United States*, 12 MICH. J. INT'L L. 92 (1990).
[2] Manoj Mate, *Two Paths to Judicial Power: The Basic Structure Doctrine and Public Interest Litigation in Comparative Perspective*, 12 SAN DIEGO INT'L L.J. 175 (2010), https://digital.sandiego.edu/ilj/vol12/iss1/7/.
[3] Rajeev Dhavan, *Managing Legal Activism: Reflections on India's Legal Aid Programme*, 15 ANGLO-AM. L. REV. 281 (1986).
[4] N. R. Madhava Menon, *Why Yet Another Law School*, 1 STUDENT ADVOC. 1 (1988-1989).
[5] Bloch & Ishar, *supra* note 1.

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- The BCI formulated rules in the late 1990s and made practical training mandatory in 1997-1998.
- The Rules of Legal Education, 2008 codified the requirement of practical education, establishing clinical legal education programmes.

The 2008 Rules mandate four practical papers:

- Moot court exercise and internship, covering moot courts, pre-trial preparations and the observation of trial proceedings.
- Drafting, pleading and conveyancing.
- Professional ethics and professional accounting system.
- Alternative dispute resolution.

Rule 11 of Schedule III to the BCI Rules of Legal Education, 2008 requires every law school to establish and run a legal aid clinic, as part of the minimum infrastructure on which permission to run law courses depends.

Part IV of the Bar Council of India Rules, which contains the Rules of Legal Education, 2008, promotes internship, in which law students witness proceedings in the office of a lawyer or in a legal aid clinic and record the same.

The Curriculum Development Committee Report of 2001 by the University Grants Commission (UGC) suggested the allocation of marks for legal aid activities. The characteristics of a lawyer are gradually shaped by the law school through practical pedagogy. It enhances professional, accommodative and adaptive skills. Clinical or practical legal education fosters an atmosphere in which students analyse and address legal issues in real-life scenarios.

The idea of imbibing social justice through legal education is outlined by Professor Sathe in the following words:

> "A lawyer is not only a seller of services, but he is a professional who renders services for maintaining the rule of law. He is supposed to be an officer of the court. He has to have a commitment to certain values such as democracy, individual liberty, social and economic equality, including gender equality and concern for the disadvantaged sections of the society, which will include the poor, women, the physically handicapped, children, the minorities and the dalits. Legal education has to create such a commitment."[6]

[6] S. P. Sathe, *Community Responsive Legal Education: Trends in South Asia*, Keynote address at a roundtable discussion organised by the United States Educational Foundation in India in collaboration with Pune Law College (Nov. 27-28, 2001), *quoted in* CENTRE FOR RESEARCH AND PLANNING, SUPREME COURT OF INDIA, *Legal Aid*

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II. Concepts of clinical and practical legal education

Moot court originated in the early twentieth century in India. Adopting the British tradition of advocacy, it was initiated at national competitions in 1981. This is a platform for law students to argue imaginary cases based on legal principles. The replication of real courtroom situations enables students to explore and engage in oral advocacy. Students learn drafting and expand their skills in legal research, reasoning and factual evidence.

Moot courts are not bound by an authority. They play a critical role in developing legal research skills, applying precedents and statutes, understanding courtroom etiquette, enhancing oral advocacy and training students in drafting. They bridge the gap between theory and practice.

There are different types of moot courts, which are

- based on procedure and format;
- based on jurisdictional scope; and
- based on subject matter.

A. Moot courts based on procedure and format

1. Appellate moots create situations in which to practise proceedings in courts such as the High Court and the Supreme Court. Here the focus is on questions of law and not on the facts. The students get a chance to represent the appellant and the respondent on the established facts. It enhances legal reasoning, statutory analysis, constitutional interpretation, appellate court decorum and the application of precedents.
2. Criminal moots are based on criminal law and procedure. They deal with charges filed under the Bharatiya Nyaya Sanhita (BNS) and the Bharatiya Nagarik Suraksha Sanhita (BNSS). The students represent counsel for the prosecution and for the defence. Here the students understand criminal jurisprudence, trial techniques and procedures in criminal litigation.
3. Arbitration moots deal with arbitral proceedings. Arbitration is an alternative dispute resolution device used in commercial and contractual disputes that are addressed before arbitral tribunals. The students get exposure to international commercial law, cross-border disputes and procedures in arbitration.
4. Administrative and regulatory moots deal with concerns related to administrative law, regulatory bodies and government decisions. Students are exposed to the

Through Law Schools: A Report on Working of Legal Aid Cells in India 18 (Oct. 2024), https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/uploads/2024/11/2024110665.pdf.

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principles of natural justice, policy implementation and public accountability. Here students understand public law, constitutional duties, regulatory frameworks and administrative remedies.

Moot courts based on jurisdictional scope are international moot competitions, national moot competitions and regional moot competitions. The students understand international legal procedures and cross-border legal questions in international moot courts. They learn national statutes, judicial precedents and domestic law for local litigation and the judiciary at national and regional moot courts.

Moot court based on subject matter allows students to specialise in an area of law such as administrative, commercial, constitutional, criminal, environmental, intellectual property and taxation law.

B. Case law

V. Sudeer v. Bar Council of India[7] is a landmark decision concerning the validity of the Bar Council of India's 1995 Rules prescribing pre-enrolment training for law graduates. The Supreme Court held that the BCI could not impose conditions for enrolment in addition to those prescribed by Parliament under the Advocates Act, 1961.[8]

Key aspects of the Court's judgment are:

1. Rule-making power limitation: the rule-making power of the BCI under Section 49 of the Advocates Act, 1961 does not authorise it to add to the qualifications for enrolment prescribed by Parliament under Section 24.[9]
2. Pre-enrolment training: the Court invalidated the requirement of pre-enrolment training and examination introduced through the 1995 Rules, as the BCI lacked the statutory authority to impose such a condition; the Rules were held to be beyond its rule-making power and therefore stillborn.[10]
3. Role of Bar Councils: the judgment examined the respective statutory functions of the State Bar Councils and the Bar Council of India under the Advocates Act, 1961.[11]

[7] *V. Sudeer v. Bar Council of India*, (1999) 3 SCC 176, *overruled by Bar Council of India v. Bonnie Foi Law College*, (2023) 7 SCC 756.
[8] *Id.* at 183–85 (holding that the Bar Council of India's rule-making power under Section 49 of the Advocates Act, 1961 does not permit it to prescribe qualifications for enrolment in addition to those laid down by Parliament under Section 24 of the Act).
[9] *Id.* at 185–88 (considering the validity of the Bar Council of India Training Rules, 1995, relating to pre-enrolment training and examination).
[10] *Id.* at 188–90 (holding that the requirement of pre-enrolment training could not be imposed through subordinate legislation when such a requirement was not prescribed by the Advocates Act, 1961).
[11] The Advocates Act, 1961, No. 25, Acts of Parliament, 1961, §§ 24, 28, 49 (India).

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4. Right to practise: the decision reaffirmed that restrictions on the right to practise law must have a valid statutory basis and cannot be imposed through subordinate legislation exceeding the authority delegated by Parliament.

Bar Council of India v. Bonnie Foi Law College,[12] decided by a Constitution Bench of the Supreme Court on 10 February 2023, upheld the BCI's authority to prescribe the All India Bar Examination as a condition for practising law and emphasised the importance of the quality of those entering the profession.

Key aspects of the Court's judgment are:

- AIBE: the BCI has the authority to mandate the All India Bar Examination (AIBE) as a pre-enrolment or post-enrolment qualification to ensure a minimum standard of proficiency to practise law.
- The Court held that *V. Sudeer v. Bar Council of India*, which had denied the BCI the power to prescribe pre-enrolment training, did not lay down the correct position of law, and it overruled that decision; it clarified, however, that setting aside *V. Sudeer* was in no manner an imprimatur to mandating pre-enrolment training.
- Quality legal education: the case arose out of a dispute over the affiliation of Bonnie Foi Law College, and it brought to the fore concerns over the teaching and learning process in law schools in India. In the course of the proceedings the Court appointed an inspection team to visit the college and a committee to examine the affiliation and recognition of law colleges.

The landmark decision on whether the BCI could restrict entry into the legal profession by examination was explained in a broader note. The affiliation of a specific law college was one aspect that was addressed.

The judgment confirms that the BCI is responsible for regulating legal education and professional standards and for ensuring that legal practitioners are competent.

Moot courts simulate real courtroom situations. They develop confidence, articulation, courtroom etiquette and teamwork. Law students explore the field of reasoning and research, which enhances the analytical skills and proficiency needed in the profession. Mooting is a transformative experience in the making of a law student. This legal education develops legal insight for practising the art of persuading and arguing. Students are equipped with subject knowledge, globally and nationally, when they participate. We generally find this happening in

[12] *Bar Council of India v. Bonnie Foi Law College*, (2023) 7 SCC 756 (Constitution Bench) (overruling *V. Sudeer*, *supra* note 7).

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elite institutions and in an arena of competition, where learning does not happen. Most institutions do not organise a moot court for the benefit of the learners.

The requirement of today's competitive world is an individual with prompt decision-making skills, communication skills and networking skills, embedded with research, advocacy, discipline and organisational skills. Participation in mooting helps one to evaluate one's skills and areas for improvement.

Legal aid clinics and cells are devices through which free legal aid is provided to the disadvantaged and marginalised population of the society. Here, students of law operate them under the guidance of the faculty or as trained by the Legal Services Authorities.

The role of law students in the legal aid system can be considered as what John Dewey termed the "social function of education".[13]

The history of legal aid begins in 1949, when the Bombay government established a committee on legal aid for the poor at a national conference, which was not implemented. The Fourteenth Report of the Law Commission of India, *Reform of Judicial Administration* (1958), emphasised the provision of legal aid as a fundamental issue. The report by Justice V. R. Krishna Iyer of 1973, titled *Processual Justice to the People*, suggested legal aid clinics. The scope of legal aid widened with the landmark case of *Hussainara Khatoon v. State of Bihar*,[14] which recognised free legal aid as a fundamental right under Article 21. This decision set the stage for the right to free legal aid, under which the State must provide an advocate to an accused person who cannot afford one.

Article 39A was added to Part IV of the Constitution by the Constitution (Forty-second Amendment) Act, 1976 to facilitate the provision of justice for the economically disadvantaged and socially marginalised members of society. It is a directive that is implemented at the State level to guarantee that the basic right to obtain legal justice is properly safeguarded. It says,

> "Equal justice and free legal aid. The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities."[15]

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[13] JOHN DEWEY, DEMOCRACY AND EDUCATION (True House Publishing House, Bengaluru, 1st ed. 2022), *cited in* CENTRE FOR RESEARCH AND PLANNING, SUPREME COURT OF INDIA, *supra* note 6, at 16.
[14] *Hussainara Khatoon (IV) v. Home Secretary, State of Bihar*, AIR 1979 SC 1369, (1980) 1 SCC 98.
[15] INDIA CONST. art. 39A.

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The Committee for Implementing Legal Aid Schemes (CILAS) was formed in 1980 under Justice P. N. Bhagwati. Section 304 of the Code of Criminal Procedure, 1973, now Section 341 of the Bharatiya Nagarik Suraksha Sanhita, 2023, requires the Court, in a trial or appeal, to assign an advocate, at the expense of the State, to an accused who is not represented and has not sufficient means to engage one, and the Legal Services Authorities Act, 1987 subsequently established the legal services authorities as statutory bodies.

The Supreme Court in *Khatri (II) v. State of Bihar*[16] held that it is a constitutional obligation of the State to provide free legal aid to those who are needy. Article 39A, inserted by the Constitution (Forty-second Amendment) Act, 1976, specifically directs the State to provide free legal aid so that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.[17]

The Supreme Court's decisions, particularly *Hussainara Khatoon* and *Khatri (II)*, transformed free legal aid from a matter of governmental policy into an important constitutional requirement flowing from the guarantee of fair procedure under Article 21.[18]

In *Khatri (II)* the Court also held that the State cannot refuse to provide legal aid on administrative or financial grounds, that the obligation arises at the earliest stage, when the accused is first produced before the magistrate, and that the magistrate must inform an accused who cannot engage a lawyer of the right to free legal services. Clinical legal education began in the 1970s and was led by Professor Madhava Menon. In 2010, NALSA formally adopted a legal aid clinics scheme at the taluka, mandal, district and State levels.

In *Sheela Barse v. State of Maharashtra*,[19] the Supreme Court, interpreting Articles 14, 21 and 39A, held that legal assistance to a poor or indigent accused who is arrested is a constitutional imperative. Providing legal aid is a *sine qua non* of justice, and where it is not provided, injustice is likely to result.

The petitioner in *Gopalanachari v. State of Kerala* was an elderly person who had been kept in prison in proceedings under Section 110 of the Code of Criminal Procedure, 1973. He complained that he had been detained for a prolonged period without an effective and speedy disposal of the proceedings. The Supreme Court took cognisance of the matter and examined the manner in which Section 110 was being used. In this landmark case the Supreme Court held

[16] *Khatri (II) v. State of Bihar*, (1981) 1 SCC 627.
[17] INDIA CONST. arts. 14, 21, 39A. NALSA identifies Article 39A, together with Articles 14 and 22(1), as the constitutional basis of free legal aid. *See* NATIONAL LEGAL SERVICES AUTHORITY, *Introduction*, https://nalsa.gov.in/introduction/.
[18] *Hussainara Khatoon (IV)*, *supra* note 14; *Khatri (II)*, *supra* note 16.
[19] *Sheela Barse v. State of Maharashtra*, (1983) 2 SCC 96.

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that Section 110 cannot be used to penalise poverty. The judgment is of value in preserving and promoting the right to legal aid. It emphasised that being poor is not a crime.

The case establishes that preventive measures affecting personal liberty must conform to Articles 14 and 21 of the Constitution. Section 110 cannot be used casually or mechanically to deprive a person of liberty. The authorities and courts must require specific, credible and convincing evidence before treating a person as a habitual or dangerous offender.[20]

Para-legal volunteers under the Legal Services Authorities are trained to conduct legal awareness programmes and to educate individuals about their rights. Awareness of schemes through legal camps and advocacy for the cases of the marginalised is addressed. Law schools in India need to establish a legal aid clinic for educating students.

Many law students do join the State Legal Services Authority as para-legal volunteers. Legal aid is an instrument of social justice, and the National Legal Services Authority works in every State of India as the State Legal Services Authority. It operates at the district and mandal levels in every State.

The Legal Services Authorities render their services for the following:

- Free legal aid: representation in courts, advice and counselling.
- Legal awareness: conducting legal literacy and awareness programmes.
- Conducting Lok Adalats.
- Social justice through the resolution of litigation.
- Outreach programmes.
- Preventive and strategic intervention programmes.
- Promoting other ADR methods.

The legal aid clinic works in the area of giving legal counselling, drafting legal documents, conducting awareness programmes and resolving litigation; rescuing persons with physical and intellectual disabilities; and bringing forward issues and concerns related to the marginalised community, such as atrocities against children, matters relating to women including acid attack and rape victims, and senior citizens.

The legal aid clinic reduces economic barriers, promotes legal awareness, facilitates dispute resolution and empowers marginalised communities. Clinics actively counsel clients who

[20] *Gopalanachari v. State of Kerala*, AIR 1981 SC 674, 1980 Supp SCC 649, (1981) 1 SCR 1271, 1981 Cri. L.J. 337 (discussing Section 110 of the Code of Criminal Procedure, 1973 and the requirements of Articles 14 and 21).

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approach them to resolve disputes through mediation and conciliation without approaching the court. Advocates and the courts are the last resort.

Law students will inculcate social responsibility, guide the needy to access justice for free, understand the functioning and the organogram of the Legal Services Authorities, enhance their knowledge and experience the working style and approach required at the grassroots level of the community.

Alternative dispute resolution (ADR) cells work more or less on the principle of the legal aid clinics. They include specialised cells and systems such as Lok Adalats and mediation centres. Initially, in the 1980s and 1990s, they focused on the massive backlog of cases in traditional courts. The first Lok Adalat was held in Junagadh, Gujarat, in 1982. The disputes were resolved using methods such as arbitration, mediation, negotiation and conciliation. The students are trained to reduce the burden on the courts.

"Conflict is inevitable but combat is optional." - Max Lucado

ADR methods are flexible, cost-effective, approachable, participatory and convenient. They contribute to the delivery of justice where individuals from disadvantaged groups of society face systemic barriers to legal recourse.

ADR mechanisms reduce the backlog of cases through out-of-court settlements, thereby reducing the judicial burden. They provide a cheaper and faster alternative for the underprivileged. The process is a faster and less formal settlement. They allow disputes to be settled by professionals. The Arbitration and Conciliation Act, 1996 modernised Indian law by aligning it with the international UNCITRAL standards. Section 89 of the Code of Civil Procedure, 1908, inserted by the Code of Civil Procedure (Amendment) Act, 1999 and brought into force on 1 July 2002, empowers the courts to refer pending disputes to ADR methods such as mediation and arbitration. The Commercial Courts Act, 2015, the India International Arbitration Centre Act, 2019 and the Mediation Act, 2023 brought about further reforms in the system.

C. Case law

1. *Emkay Global Financial Services Ltd. v. Girdhar Sondhi*: it was held that the Arbitration and Conciliation Act aims at the speedy resolution of disputes, and that an application to set aside an award under Section 34 is ordinarily to be decided on the basis of the record that was before the arbitrator.[21]

[21] *Emkay Global Financial Services Ltd. v. Girdhar Sondhi*, (2018) 9 SCC 49 (Civil Appeal No. 8367 of 2018).

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2. *Kinnari Mullick v. Ghanshyam Das Damani*: the Supreme Court held that a court hearing a petition under Section 34 has no jurisdiction to remit the matter to the arbitral tribunal of its own motion, and that the limited power conferred by Section 34(4) can be invoked only upon a written application by a party and only before the award is set aside.[22]
3. *Brahmani River Pellets Ltd. v. Kamachi Industries Ltd.*: the Supreme Court held that where the contract specifies the jurisdiction of the court at a particular place, only that court has jurisdiction and all other courts are excluded; when parties decide upon a place for arbitration in the contract itself, it excludes the jurisdiction of all other courts.[23]

III. Objectives

- To identify and document the history and legal framework of moot courts, legal aid clinics and ADR cells in legal education in Indian law schools.
- To analyse the role and importance of moot courts, legal aid clinics and ADR cells in the shaping of a law student.

IV. Review of literature

Shoyaib Ahmed and Raj Kumar Yadav, Central University of Punjab, in their research paper *Transforming Legal Education in India*, state that the role of clinical legal education and trial advocacy is to bridge the gap between theoretical legal knowledge and practical application. It engages the students in experiential learning through moot courts, internships, legal aid clinics and advocacy training.[24]

Nagarathna A. and Rhea Roy Mammen, in the *Christ University Law Journal*, in their research paper *Legal Academia and Legal Aid Clinics: The Two Invisible Pillars for Dispute Resolution*, state that legal academia and legal aid clinics are two important limbs of legal education.[25]

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[22] *Kinnari Mullick v. Ghanshyam Das Damani*, (2018) 11 SCC 328, 2017 INSC 1281, *overruled in part by Gayatri Balasamy v. ISG Novasoft Technologies Ltd.*, 2025 INSC 605 (holding that a request under Section 34(4) may be oral if it is recorded by the court, and that the power of remand does not lapse once the application under Section 34(1) is decided, since the appellate court under Section 37 also possesses it).

[23] *Brahmani River Pellets Ltd. v. Kamachi Industries Ltd.*, (2020) 5 SCC 462 (Civil Appeal No. 5850 of 2019).

[24] Shoyaib Ahmed & Raj Kumar Yadav, *Transforming Legal Education in India: The Role of Clinical Legal Education and Trial Advocacy*, https://www.researchgate.net/publication/391742568_Transforming_Legal_Education_in_India_The_Role_of_Clinical_Legal_Education_and_Trial_Advocacy.

[25] Nagarathna A. & Rhea Roy Mammen, *Legal Academia and Legal Aid Clinics: The Two Invisible Pillars for Dispute Resolution*, 12 CHRIST UNIV. L.J. 33 (2023), https://journals.christuniversity.in/index.php/culj/article/view/4493.

David W. Tushaus, University of Missouri-Kansas City, Shailendra Kr. Gupta, Banaras Hindu University, and Sumit Kapoor, in their research paper titled *India Legal Aid Clinics: Creating Service Learning Research Projects to Study Social Justice*, state that legal aid clinics at law schools have two main purposes, that is, to provide better legal education to students and access to justice in the community.[26]

> "Law school legal aid clinics serve two main purposes. The first is to provide a better legal education to students. The second is to provide access to justice in the community."

V. Research methodology

This is qualitative, descriptive and analytical research based on secondary data. Scholarly books, journals, publications and reports are included as sources.

VI. Findings and analysis

As the Centre for Research and Planning of the Supreme Court of India has recorded, "[i]n 1983-84, the Faculty of Law at the University of Jodhpur established a legal aid clinic, actively involved in disseminating information about social welfare legislation and assisting in settling cases in accidents and matrimonial disputes. These early initiatives, though scattered, laid the organic foundations for more structured interventions in subsequent years. They highlighted the capability and willingness of the academic community to provide legal aid services when equipped with adequate institutional mechanisms."[27]

The 184th Law Commission Report, 2002, led by Justice M. Jagannadha Rao, proposed the joint responsibility of the BCI and the UGC for setting legal education standards. In 2009 the three-member Committee on Reform of Legal Education, constituted in the course of the *Bonnie Foi Law College* proceedings, made the following recommendation:

> "II. Establishment of Legal Aid Clinics/Centres: Apropos the principle enshrined under Article 39-A of the Constitution of India, the Bar Council of India, vide Resolution dated [24 October] 2009, resolved that all law schools/colleges should establish a legal aid clinic/centre for the purpose of providing inexpensive and efficient justice to the needy sections of our society. It was also resolved that a

[26] David W. Tushaus, Shailendra Kr. Gupta & Sumit Kapoor, *India Legal Aid Clinics: Creating Service Learning Research Projects to Study Social Justice*, 2 Asian J. Legal Educ. 100 (2015), https://doi.org/10.1177/2322005815578509, https://www.researchgate.net/publication/281480455_India_Legal_Aid_Clinics_Creating_Service_Learning_Research_Projects_to_Study_Social_Justice.

[27] Centre for Research and Planning, Supreme Court of India, *supra* note 6, at 48 (citing Bloch & Ishar, *supra* note 1, at 92-120).

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> lecturer shall be the faculty in-charge of a legal aid clinic/centre, and that final-year students would be trained at such legal aid clinics/centres in imparting professional legal advice and client interaction. This Committee unreservedly endorses the Resolution passed by the Bar Council of India and recommends that the establishment of such legal aid clinics/centres be made a precondition to the recognition of law colleges by the Bar Council."[28]

The National Legal Services Authority (NALSA) issued its Legal Services Clinics Regulations in 2011 and the Legal Services Clinics in Universities, Law Colleges and Other Institutions Scheme in 2013. The regulations frame the procedures for student-run legal aid clinics by notification, in keeping with the eligibility criteria and the establishing authority.

Regulation 24 of the National Legal Services Authority (Legal Services Clinics) Regulations, 2011 enables law colleges, universities and other institutions to set up legal services clinics as part of clinical legal education. Every institution that does so must inform the State Legal Services Authority (SLSA) of the establishment of the clinic. The SLSA renders technical assistance and takes measures to promote the activities of such clinics. Final-year law students may render legal services in these clinics under the supervision of a faculty member. The SLSA may also organise ADR camps, including Lok Adalats, to resolve the problems of people who seek legal aid in these clinics.

Though moot courts have their advantages, there are a few challenges:

- They are more competitive than educative.
- The cost involved restricts the participation of all the students.
- They are simulations but do not replicate real litigation.

Legal aid clinics promote access to justice; students gain experience by being physically involved, and they understand the legal issues and concerns of the common public. They enhance their analytical skills by evaluating situations and issues and trying to find solutions. This imbibes a sense of social responsibility within them.

Many students and litigants are unaware of the ADR mechanisms. The law schools do not have good ADR training and resources.

Areas of improvement that need to be focused on to improve the role of moot courts, legal aid clinics and ADR cells are proper infrastructure, adequate funding, resources, participation in

[28] BAR COUNCIL OF INDIA, *Final Report of the 3-Member Committee on Reform of Legal Education* (2009), *quoted in* CENTRE FOR RESEARCH AND PLANNING, SUPREME COURT OF INDIA, *supra* note 6, at 51-52.

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activities, training of faculty to supervise the activities, collaboration with courts, NGOs and legal professionals, and the use of virtual moot courts and knowledge.

The functioning of these three clinical legal education components would develop advocacy skills and social responsibility and would promote dispute resolution. The students would become legal professionals.

Moot courts, legal aid clinics and ADR cells would enhance efficiency in the delivery of justice, which would be accessible to the needy. They would lessen the burden on the courts, and law students need to promote awareness among the citizens.

VII. Conclusion

The concept of pro bono legal service in India is a significant component of ensuring access to justice for all citizens, regardless of their financial means. The judiciary plays an important role in safeguarding the constitutional right to legal service and ensures that those in need can receive legal assistance when they require it. The judiciary in India can promote fairness and equality within the legal system by upholding this right. The State Legal Services Authorities in every State of India are committed to rendering legal services. The law students need to ensure that justice is accessible to all.

Moot courts, legal aid clinics and ADR cells are indispensable components of modern legal education. They enlighten law students' skill development, the understanding of social justice and efficient dispute resolution. Moot courts prepare students for litigation. Legal aid clinics initiate a sense of social responsibility, and ADR cells equip students with alternative dispute resolution skills.

Lack of resources, lack of awareness and not being open-minded are a few of the challenges that do not help students to explore. To strengthen legal education and the justice delivery system we need to reform policies. These three mechanisms are not merely educational tools but foundational pillars that shape the future of the legal profession and contribute to a more accessible and efficient justice system.

Our legal system depends on the basic principle of natural justice as its foundation. It has provisions that no one should be subjected to punishment without being given an opportunity to present their case. The essential prerequisite of due process can only be fulfilled if the individual seeking justice has adequately stated their case. Criminal jurisprudence adheres to a compelling maxim: it is preferable to allow ten guilty persons to escape punishment than to

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convict one innocent person wrongfully. The Supreme Court has been revising the legal framework for the benefit of society.

Despite significant efforts made to address the fundamental need for a fair society, there remains a considerable amount of work to be done to transform the concept of free legal assistance from a mere theoretical commitment into a tangible reality for the majority of the people.

There is a dire need to create awareness of whom to approach, how to approach, where to go and when to approach the legal aid clinic or the Legal Services Authority or the court. With a diverse population it is very important to be careful while establishing legal consciousness among the people.

The legal terminology must be made easier for the common man to understand. People must be comfortable in approaching, sharing and confiding their issues, concerns, problems and litigation while approaching for advice or counselling.

The law schools need to have a legal aid clinic and ADR cells to enhance the skills of students and to shape a bright future for the country. Quality education enhances quality living, and hence it has to be observed by all law schools and universities to follow the rules of the BCI and to include a credit score for these components in the curriculum.

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