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TOWARDS SOCIALLY RELEVANT LEGAL EDUCATION: FOSTERING A PRO BONO CULTURE FOR ENHANCED ACCESS TO JUSTICE

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ABSTRACT

This research project delves into the imperative of fostering a robust pro bono culture within legal education to bridge the persistent "justice gap" and advance social justice. Through the lens of five distinct viewpoints, including legal education reform advocates, law faculty and administrators, legal practitioners and bar associations, pro bono service recipients and community organizations, and critical legal scholars, this study navigates the complexities and opportunities inherent in integrating pro bono experiences into legal education. Legal education reform advocates advocate for curriculum reform to encompass pro bono experiences, clinical education, and exposure to diverse legal needs. Law faculty and administrators confront challenges in implementing pro bono programs, exploring collaborative partnerships and innovative approaches to overcome barriers. Legal practitioners and bar associations weigh the benefits and drawbacks of mandatory pro bono requirements, considering their impact on lawyer well-being and career choices. Pro bono service recipients and community organizations underscore the vital role of pro bono services in addressing the unmet legal needs of marginalized communities, advocating for improvements in current models. Critical legal scholars challenge the limitations of pro bono work in addressing systemic inequalities, advocating for alternative approaches to achieve systemic change while critiquing potential tokenism within pro bono initiatives. Employing a mixed-method approach encompassing literature review, case studies,

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surveys and policy analysis, this research aims to identify challenges, opportunities, and practical strategies for integrating pro bono experiences into legal education curriculum and practice. By contributing to ongoing discourse on social justice and access to justice within the legal profession, this research provides valuable insights for stakeholders seeking to enhance the impact of pro bono legal services. Ultimately, it envisions legal education as a transformative force, catalyzing social change, and promoting a more equitable society by bridging the justice gap and advancing the cause of justice for all.

Keywords - Justice Gap, Social Justice, Curriculum Reform, Clinical Education, Access to Justice

INTRODUCTION

India's culture of providing free legal aid to the marginalized communities has been backed by various programs of state as well as by various law firms, advocates and non-governmental organizations. However, the demand of justice from the marginalized communities far exceeds the services provided to them. As such there have been hues and cries with regard to the huge pendency of the suit in the courts. The data till May 2022 shows that about 4.7 crore cases are pending across the courts in the country.³ Moreover, only 7.91 percent of under-trial prisoners utilized the legal aid service between 2016 and 2017.⁴ This shows the stark justice gap prevalent in the country. It also shows that despite the existence of legal aid system, accessing justice is still a far-fetched dream of many. These statistics raise questions with respect to the available legal aid services in the country. However, it would be pertinent to examine the reasons behind such alarming report with respect to the under-representation of the prisoners in the country. However, there are numerous reasons behind the large number of pendency of cases and number of under-trial prisoners in the country. This paper would focus on the role of pro bono service in tackling the increasing number of such pending cases by making it more effective by inculcating pro bono service in the legal education of the country.

It is pertinent to differentiate between the legal aid service and pro bono service. The former is provided by the lawyers engaged by the legal service authorities, while the latter is community

³Sumeda, "The Clogged State of the Indian Judiciary" The Hindu, May 10, 2022, available at: <https://www.thehindu.com/news/national/indian-judiciary-pendency-data-courts-statistics-explain-judges-ramana-chief-justiceundertrials/article65378182.ece> (last visited on Mar. 26, 2024).

⁴Dr. Anup Surendranath and Gale Andrew, "State Legal Aid and Undertrials: Are There No Takers?" Indian L. Rev. (Apr. 4, 2022), available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4037883 (last visited on Mar. 26, 2024).

service which is provided either free of cost or at a reduced cost. Moreover, pro bono service seeks to tap into the skills of top advocates who are highly trained to cater to the demands of marginalized communities while helping to bridge the justice gap. In countries like, USA, European Union (EU) and Australia, pro bono service has been quite effective. Pro bono services in these countries are provided to the people who cannot access legal services out of sheer poverty or lack of awareness.

Given the rampant poverty and illiteracy which gives rise to unawareness with respect to services available for legal representation and legal aid, pro bono is a tool to bridge the justice gap and enhance access to justice in the country. However, such tools are not immune to various practical challenges. This paper discusses the role of pro bono and professional ethics while focusing on the viability of inculcation of pro bono service in the legal education in the country.

LITERATURE REVIEW

- **A Survey of Pro Bono Practices and Opportunities in 84 Jurisdictions, Prepared by Latham & Watkins LLP for the Pro Bono Institute, March 2016.**

This survey shows the practices of pro bono services across 84 jurisdictions including India. With respect to India, this survey goes into detail to explain jurisprudence on legal aid in the country as well as the judicial developments taken place in the country on providing legal aid to the poor.

- **Pro Bono Work: A case for its integration into Legal Services in India, SCC Online, August 2018**

This blog discusses the judgment of Supreme Court where the court has emphasized the need of ethical relation in legal profession so as to promote pro bono. Moreover, it also discusses the practices of pro bono service in other foreign jurisdictions.

- **Efficacy of Legal Aid Clinics in Law Schools, Justice Alive Foundation.**

This article assesses the effectiveness of legal aid clinic at law schools.

Aims and Objective of study

- To examine the role of pro bono service in bridging the justice gap

- To study the challenges and opportunities of incorporating pro bono service in Indian legal education
- To study the impact of clinical education

RESEARCH QUESTIONS

- How culture of pro bono practices can benefit in bridging the justice gap?
- How clinical legal education can enhance the access to justice?
- What are the challenges and opportunities in incorporation of pro bono culture in Indian legal education?

HYPOTHESES

- Incorporation of pro bono culture in Indian legal education will benefit in accessing justice.
- Practices of pro bono in reality are surrounded with practical challenges.

RESEARCH METHODOLOGY

The researcher would adopt a purely doctrinal method of research.

SOURCES OF DATA

The study is based on data collected from various secondary sources such as websites, precedents, books and articles.

SCOPE AND LIMITATION

This study aims to provide insights into accessibility of justice and legal aid service in India. The study is limited to the role of pro bono service in bridging the justice gap and its viability of incorporation in legal education.

ROLE OF PRO BONO SERVICE

The term ‘Pro Bono Publico’, a Latin phrase, denotes “for the public good”. In the field of law, this term refers to the legal services provided to the marginalized communities free of cost or at reduced cost by highly skilled lawyers. The main aim of pro bono service is to provide justice to the people who cannot afford it due to lack of awareness or socioeconomical reasons. It bridges the justice gap in society by providing easy access to justice to people of marginalized

communities and is also a sign of professional ethics. It endears the legal fraternity to work for the causes of society so as to promote social justice.

In addition to it, the principle of providing legal aid to the poor has been part of India's legal jurisprudence. Article 39A of the constitution of India, added by virtue of 42nd amendment, endears state to provide free legal aid to the marginalized communities. Code of Civil Procedure, 1909 also exempts the pauper from paying court fee, and economically weaker person can still approach the court to access justice. Moreover, Code of Criminal Procedure, 1973, also talks about free legal aid to the indigent person. Also, every accused is entitled to be heard, and no one can be convicted without going through legal proceedings. In *Khatri & Ors. vs State of Bihar*, the Supreme Court held that the state is under constitutional obligation to provide free legal aid to the indigent persons.⁵ Moreover, the concept of Public Interest Litigation (PIL) in Indian Legal Jurisprudence, introduced in the case of *S.P Gupta*,⁶ has been successful in providing access to justice and promoting social justice in the country. To further ease the access of justice in the country, National Legal Service Authority Act, 1987 has been enacted to provide free legal assistance to the marginalized communities. In accordance with this act, there is a district, state and national legal service authority which provides free legal aid to the eligible people. Moreover, there are committees in District Courts, High Courts and Supreme Court specifically constituted for the purpose of providing free legal aid to the people of marginalized communities. Despite these available free services, there is no reprieve on the ground level and there still exists a justice gap in the country for reasons of their own ill implementations of such acts. This is evident from the fact that there are still a large number of cases pending across the courts.⁷

Coming to the role of pro bono, it taps into the expertise of highly experienced professionals to help the people of marginalized communities who cannot afford the cost of the lawyer. The American Bar Association has been the torchbearer in providing pro bono service in the USA.⁸ In their 'Model Rules of Professional Conduct', the advocates are required to provide at least

⁵ *Khatri & Ors. v. State of Bihar*, 1981 SCC (1) 627.

⁶ *SP Gupta v. Union of India*, AIR 1982 SC 149.

⁷ *Supra*, Note 1.

⁸ Chinmoy Pradip Sharma, *Pro Bono Work: A Case for Its Integration into Legal Services in India*, SCC Online (Aug. 4, 2018), available at: https://www.scconline.com/blog/post/2018/08/04/pro-bono-work-a-case-for-its-integration-into-legal-services-in-india/#_ftn2.

50 hours for the pro bono practice. In addition to it, it is an integral part of the law curriculum of American universities. In South Africa, a lawyer is mandated to perform at least 24 hours of pro bono work in a year. On the other hand, there are no such rules in this regard in UK.

However, India does not have any specific rule in this aspect, yet the practice of pro bono is not alien to it. The “standards of Professional Conduct”, under Bar Council of India Rules, rule 48 of it provides that an advocate is mandated to provide free legal aid service to the person in need especially the indigent and oppressed subject to the economic condition of the advocate.

Unlike legal aid, pro bono practice is taken on its own volition by the advocates. It means that there is no chance of vices which are prevalent in legal aid ranging from corruption, lower remuneration, to incompetency advocates.⁹ In pro bono practice, an advocate serves with his bona fide intention to promote social justice in the country and there is no scope of any ill conception in the mind of advocate practicing pro bono. Moreover, it promotes cohesion between the client and advocate and brings accolades to the noble profession from the society. It further inspires students pursuing law to devote themselves for the cause of social justice.

Therefore, the role of pro bono practice in the country plays a crucial role in promoting social justice. Given the rampant poverty and oppression, assistance of legal community in getting the rights of the marginalized communities recognized is the need of the hour. As it is taken on the will of the advocate, he/she keeps no prejudice against the client and fights such cases with their professional skills. Moreover, Department of Justice, to promote pro bono practice and ease the access to justice, has opened a portal for the advocates who are willing to take cases on pro bono basis while connecting them with person requiring legal assistance, and based on it the department would consider them to appoint for appropriate positions.¹⁰ Thereby, it has recognized the role of pro bono practices in the country which signifies its importance in the current legal jurisprudence to ease the access of justice and bridge the justice gap in the country. Moreover, incorporation of pro bono in legal education would further provide required assistance in the cases from law students, thereby making the practitioners more efficient to navigate through the cases.

⁹ *Corruption in Indian Legal System*, Legal Service India, available at: https://www.legalserviceindia.com/legal/article-2764-corruption-in-indian-legal-system.html#google_vignette (last visited Mar. 26, 2024).

¹⁰*Ibid.*

JUDICIAL DEVELOPMENT ON PRACTICES OF PRO BONO SERVICE

Existence of rule of law does not mean social justice in society rather it depends upon the accessibility of it. There is no use of law or rights if there are barriers or no means of accessing remedy in case of breach of such rights or law. The Indian judiciary as well as the legislature has been quite apt in recognizing the accessibility of justice and to some extent it is available to the marginalized communities. Courts through its judgments have imposed compulsion upon the state as well as the advocates so as to provide justice to the people of marginalized communities. Moreover, state through its amending and enacting power has brought in amendments in the constitution and enacted laws respectively so as to recognize the right of the marginalized communities to access justice.

In *Indira Jaising vs Supreme Court of India*, the Supreme Court has recognized the importance of pro bono practice while mandating the advocates to contribute to pro bono service and making it a major consideration in designating an advocates as senior advocate.¹¹ In *B. Sunitha vs State of Telangana*, the Supreme Court emphasized the need to place a robust regulatory mechanism to deal with the violation of professional ethics and also to ensure access to legal service available at reasonable cost.¹² In *Sheela Barse Vs State of Maharashtra*, the court held that a person detained and deprived of personal liberty is not only protected by article 39A but by article 21 and 14 of the Constitution of India.¹³ In *State of Maharashtra vs Manubhai Pragajivashi & Ors*, the Supreme Court held that it will jeopardize the whole trial, unless the accused is provided with free legal aid at the expenses of state except in cases where accused refuse take legal aid.¹⁴ In the case of *M.H Hoskot vs State of Maharashtra*, the court ruled that assistance of free legal aid is the responsibility of the state and not the charity of government.¹⁵ Given the vast recognition of free legal assistance in a number of cases, the right of the person to access justice is a sacrosanct right which needs to be protected by the state as well as by the legal fraternity by virtue of their profession possessing the skill of compassion and empathy.

¹¹*Indira Jaising v. Suprem Court of India*, (2017) 9 SCC 766.

¹²*B. Sunitha v. State of Telangana*, (2018) 1 SCC 638.

¹³*SheelaBarse v. State of Maharashtra*, MANU/SC/0437/1988.

¹⁴*State of Maharashtra v. Manubhai Pragaji vashi & ors*, 1995 SCC (5) 730.

¹⁵*M.H. Hoskot v. State of Maharashtra*, AIR 1978 SC 1548.

Hence, there is no doubt that access to justice is a fundamental right of the accused person and it is the responsibility of state to provide legal aid to the people who cannot afford it.

In addition to it, there are certain government schemes which promotes the pro bono service in the country. Development of “NyayBandhu” by Department of Justice seeks to promote access to justice for marginalized communities by connecting them with advocates on the app. Moreover, in June 2020, Department of Justice designed the module of pro bono club which allows law students to assist pro bono advocates.¹⁶ Moreover, Parliamentary Committee in its 143rd report “Review of the working of Legal Aid under the Legal Services Authorities Act, 1987” recommended the bar council of India to mandate indulgence of advocates in pro bono service to make themselves eligible for any relief fund from all India/state bar council. Such efforts on part of government augur well towards the development of pro bono culture in the country.

In the year 2021, the then CJI N.V. Ramana endeared the law firms to take up pro bono cases to provide justice to the people who cannot access the court, and the mentality that law firms only works for the rich has to be done away with.¹⁷ There are various NGOs which are taking up pro-bono cases like Human Rights Law Networks.

Hence, it is evident from these developments coming both from the judiciary and legislature which are directed towards the inculcation of pro bono service culture in the Indian legal system. In addition to it, non-profit organizations have not been behind in promoting pro-bono service culture in the country rather they have been the active promoter of it, and they are taking up pro-bono cases seriously till date. It is no doubt that it is going to usher in new era of delivering justice to the people of marginalized section of society thereby promoting social justice in the country.

INCORPORATION OF PRO BONO CULTURE IN LEGAL EDUCATION

¹⁶ *Problems of Pro Bono Schemes in India*, Legal Service India, available at: <https://www.legalserviceindia.com/legal/article-8449-problems-of-pro-bono-schemes-in-india.html> (last visited Mar. 22, 2024).

¹⁷ *Indian Law Firms Need to Take Up Pro Bono Cases, Change Perception That It Works for Rich: CJI*, Times of India, available at: <https://timesofindia.indiatimes.com/india/indian-law-firms-need-to-take-up-pro-bono-cases-change-perception-that-it-works-for-rich-cji/articleshow/85041546.cms> (last visited Mar. 24, 2024).

Pro bono service instills social responsibility among the professionals while making them empathize with their client and people of marginalized communities. Law schools are places where judges, advocates, scholars and legal professionals are nurtured to cater the needs of society. Legal professionals deal with the miseries faced by people in all walks of life raging from family matters to criminal matters. Such issues demand empathy and compassion on part of legal professionals to grasp the issues in hand and solve it in manner to protect the interest of the people concerned. It is a profession which demands soft skills to a far more extent so as to even empathize with the people who are marginalized in society. Moreover, such compassion and empathy on part of the legal professionals boosts the confidence among all strata of people living in the society to seek the help of legal profession to knock the door of court for social justice.¹⁸ Legal profession is a noble profession which deals with issues mostly affecting society at large.

Pro bono service, which is taken on the volition of the advocate is an effective tool to bridge the justice gap in society. Unlike legal aid, this tool is in the hands of advocate to serve for the better cause of society. This tool has to be inculcated in every law student from the very beginning so that by the end of their degree they would be in better position to deal with the issues at hand with compassion and empathy. Also the period of law school happens to be the phase of learning; this could be utilized to instill soft skills in every law students so as to make them to be responsible towards society.¹⁹ In the year 2022, the Parliament was informed that there are 1721 law schools operating in the country.²⁰ To make equitable access to justice, the Bar Council of India made it mandatory for every law school to have a legal service clinic under rule 11 of the “Rules of Legal Education- 2008”.²¹

There are two aspects of providing legal assistance, the one with the help of government funds which is known as legal aid and other is pro bono model provided by legal professionals on their own. There are legal aid legal clinics in law schools which generally collaborate with

¹⁸ *Compassion, Empathy Sustains Judicial Institutions: CJI Chandrachud*, Business Standard, available at: https://www.business-standard.com/article/current-affairs/compassion-empathy-sustains-judicial-institutions-cji-chandrachud-122111201191_1.html (last visited Mar. 26, 2024).

¹⁹ Shriyanshi Chitransh, *Essentials Soft Skills Expected from a Lawyer*, iPleaders (Apr. 4, 2021), available at: <https://blog.iplayers.in/essentials-soft-skills-expected-lawyer/>.

²⁰ Shriyanshi Chitransh, *Essentials Soft Skills Expected from a Lawyer*, iPleaders (Apr. 4, 2021), available at: <https://blog.iplayers.in/essentials-soft-skills-expected-lawyer/>.

²¹ Rules of Legal Education, 2008, Reg. 11.

district legal service authority and many NGOs to provide legal assistance, thereby totally relying on the latter for the funds and expertise. For legal aid, the authorities heavily rely on the funding of government. Around 80% of the population of India is eligible for legal assistance under section 12 of the “Legal Service Authority Act, 1987”.²² However, only 1% cases were under the ambit of state’s legal aid scheme till December 2021.²³ This shows the stark gap of justice in the country, notwithstanding the robust mechanism in place to provide legal assistance to the marginalized communities.

Pro bono is an effective alternative to legal assistance. It does not rely upon funds, since it is a voluntary work taken by the advocates for the public good, Incorporation of pro bono service culture in legal education benefits society by enabling them easy access to justice as well as benefiting law students by exposing them with practical knowledge, outside the theory of the legal profession.²⁴ This will ultimately fill the justice gap prevalent in the country.

Legal education reform advocates argue that conventional legal studies do not favor the low-income client. Inculcating pro bono in law school curriculum will equip the future budding lawyers with social responsibility. Its incorporation would expose the students with case management and client-interviewing, thereby navigating the legal assistance system in the society. Hence, it will bridge the justice gap in society. Law faculty and administration do recognize the importance of pro bono service, yet they face many practical challenges. Faculties of law schools are burdened with other administrative work which hampers them to engage in pro bono service. Moreover, they possess theoretical knowledge rather than practical practice of law making it difficult to navigate the legal aid cell of the college. Incorporation of pro bono service would require overall revision of curriculum of law school and training of faculties. Workload balance and the preparedness of faculties and students have to be looked into. In addition to it, credit courses have to be designed in terms of pro bono service so as to bind every law student to serve for the social cause which will instill empathy and compassion among

²² Anubhav Raj Shekhar, *Why Do Law School Based Legal Services Clinics Fail?*, Bar & Bench (May 28, 2022, 12:38 PM), available at: <https://www.barandbench.com/columns/columns-law-schools/why-do-law-school-based-legal-services-clinics-fail>.

²³ *Ibid*.

²⁴ *Enhancing Legal Accessibility: The Function of Indian Law Schools and Pro Bono Legal Services*, The Amikus Qriae, available at: <https://theamikusqriae.com/enhancing-legal-accessibility-the-function-of-indian-law-schools-and-pro-bono-legal-services/> (last visited Mar. 26, 2024).

them. Legal practitioners and bar association could provide their expertise, through mentorship programs and practical training workshops, to the schools to efficiently navigate the inculcation of pro bono service in the curriculum. Resultantly, it would bridge the gap between legal education and practical practice of pro bono. It would promote the ethical obligation among students to provide legal assistance to society. Pro bono recipients and community organizations are always ready to seek legal assistance in the form of pro bono because they cannot afford it on their own. Pro bono services in law schools would provide the legal assistance in areas of family law, immigration law, environmental law, etc. to the recipient and the community organizations. Pro bono service in a law school would provide access to justice to the locality where the law school is situated or places which it would adopt to bridge the justice gap in the said locality. This will ultimately ease access to justice. Critical legal scholars do discern the importance of pro bono service in legal education's curriculum and its potential bridge the justice gap and ease the access of justice.²⁵ However, they are concerned about the actual exploitation of law students and the limitation of pro bono services. Indeed, these five perspectives recognize the importance and potential of pro bono service in the law schools, though they are also concerned about the inherent limitations of its own.

Moreover, clinical education in law schools will pave the way for a new era of easing access to justice.²⁶ It would allow students to grapple with the actual issues of society and will instill them with soft skills to deal with the client. Such clinical education also imbibes the students with empathy and compassion which develops during their interaction with the marginalized communities during their college days.²⁷ It will ultimately enhance the efficiency of future lawyers to deal with legal matters with more experience and expertise which they would be learning through clinical education.

Opportunities:

Investment in pro bono service and its inculcation into the law school curriculum would offer a lot of experiences to the law students while allowing them to work upon actual cases. Moreover,

²⁵Helen Respass, *Bridging the Access to Justice Gap with Legal Pro Bono*, Thomson Reuters (Oct. 19, 2022), available at: <https://www.thomsonreuters.com/en-us/posts/our-purpose/bridging-the-access-to-justice-gap-with-legal-pro-bono/>.

²⁶ Avani Bansal, *Clinical Legal Education as a Means to Advance Access to Justice in India*, Live Law (July 4, 2017, 1:57 PM), available at: <https://www.livelaw.in/clinical-legal-education-means-advance-access-justice-india/>.

²⁷ Dr. Nilesh Gokhale, "Why Empathy is Crucial on Campus" India Today, Oct. 18, 2023, available at: <https://bestcolleges.indiatoday.in/news-detail/why-empathy-is-crucial-on-campus> (last visited on Mar. 26, 2024).

through law schools, various awareness camps could be organized which will bring more marginalized communities to the door of justice to get their interest protected and justice easily. It also equips the future lawyers with prior experience of legal battle which will ultimately help them grow holistically in their professional career. Furthermore, it instills empathy and compassion among the students which will help them to navigate legal assistance to lower income group. The experience gained through such activity in law school would foster social responsibility among the legal fraternity. Moreover, it will impart practical knowledge to the students equipping them with nitty-gritty practices of law. Furthermore, it will provide an opportunity to collaborate and to network with the law students, advocates and community organizations. In field of law, networking is of outmost importance.²⁸ Therefore, inculcation of pro bono service in law schools brings a lot of opportunity which is two folds, as it benefits both the law students and the marginalized communities as well. This reform in legal education will bring ease in accessing justice to the people, who cannot afford legal battle for their own rights and justice, through various ways as discussed above. Hence, it also proves our first hypothesis that pro bono will ease access to justice. Such initiative would also promote over all social justice in society.

Challenges:

Though incorporation of pro bono service brings with it a lot of opportunities for both the lawyers and marginalized communities, yet it does face a lot of practical challenges. First and foremost is the high demand of legal service, which exceeds the aggregate supply of the legal service provided by the professionals. Lack of infrastructure and money further aggravates the condition of pro bono service, as legal battle takes year to dispose a case.²⁹ There is also issues of advertisement of pro bono service available in the law schools as they would be required to aware the marginalized communities about the existence of such legal service which are available to them at free of cost and devoid of any vices unlike legal aid assistance provided by state machinery.³⁰ Normally, it is seen that the fees of premier law schools touches the sky which

²⁸ Shringar Bhattarai, "The Importance of Networking for Lawyers" iPleaders, Jan. 26, 2017, available at: <https://blog.iplayers.in/networking-for-lawyers/> (last visited on Mar. 26, 2024).

²⁹ Amrit Kaur, "Pro Bono Cases in India: An Overview" iPleaders, Sept. 22, 2021, available at: <https://blog.iplayers.in/pro-bono-cases-in-india-an-overview/> (last visited on Mar. 26, 2024).

³⁰ Richa Kachhawaha, "Access to Legal Aid in India: An Unfulfilled Promise?" Live Law, Mar. 15, 2018, 10:46 AM, available at: <https://www.livelaw.in/access-legal-aid-india-unfulfilled-promise/> (last visited on Mar. 26, 2024)..

sway a large number of law students towards making their career in a field where they can receive quick money to pay back their hefty education loans i.e. towards corporate, as the fees of law schools in India is touching the sky.³¹ Law students from top-notch law schools tend to live in a posh city and prefer corporate jobs to social service. It would not be practical to force a law student to provide pro bono service without any incentive. Moreover, such pro bono cells in law schools would be mere perfunctory if it is not headed by a faculty having practical experience of practice which is missing in actual reality.

Moreover, law students are also burdened with various academic works as well as their mandatory internship commitments. Many a times, the client does not bother about the activity of cases they have filed through pro bono service as they lose nothing if they do not turn up for some time. Moreover, even if legal aid assistance is provided with pro bono services, it won't do away with the already pendency of cases in the court due to the lower ratio of judges to population.³² All these practical challenges put spoke in the growth of pro bono culture in the law schools. This also proves our second hypothesis as there are inherent practical challenges in incorporating pro bono service in the legal curriculum.

Solutions:

Given the challenges involved in inculcating pro bono services, the appropriate authority needs to take necessary steps to tackle these challenges so as to bring easy access to justice available to the marginalized communities and to give necessary fillip to the law students to excel in their professional career by providing them with real experiences.

Pro bono services could be introduced as credit course in the syllabus of their law degree program. Such mandatory subject would encourage all the law students to engage with the real experiences in providing legal aid. Such availability of pro bono services have to be advertised in the nearby places so as to make aware of the marginalized communities about such free legal aid services. Moreover, practicing faculties have to be encouraged to join law schools to teach

³¹ Prachi Shrivastava, "Cost of Legal Education Shoots Up as Younger Colleges Struggle" Mint, July 28, 2015, available at: https://www.livemint.com/Politics/FI8PoH4CjdAbBAAtLNrhecN/Cost-of-legal-education-shoots-up-as-younger-colleges-strugg.html#google_vignette (last visited on Mar. 26, 2024).

³² "50 Judges Per 10 Lakh Needed to Reduce Case Pendency in India: Supreme Court Judge" NDTV, available at: <https://www.ndtv.com/india-news/50-judges-per-10-lakh-needed-to-reduce-case-pendency-in-india-supreme-court-judge-3660831> (last visited on Mar. 26, 2024).

and carry out pro bono services with the help of law students. Rigorous mandatory attendance has to be relaxed so that law students can devote their time for such activity in the law school. In addition to it, subjects based on poverty and social justice have to be introduced so they can be sensitized to serve society.

Bar council in the locality of law school could tap into the skills of law students to provide pro bono services. One way could be to constitute a panel of lawyers at every law school who would only take pro bono services while the empaneled lawyers could seek the help of law students in solving the pro bono cases. To give impetus to such incorporation of the free legal service in the law school, it has to collaborate with nearby courts so that they can sync with academic works of the students.

To bring aforementioned solutions into action, the government has to provide with the funds to the law schools to pay-off the empaneled lawyers at law schools and meager fees and expenses involved in a case. The fund could also be charged from the law students from their fees for providing them with practical experience. At the end, law students have be rewarded at the end of their program while giving them edge in government positions based on their involvement in pro bono services in the law school. It would encourage take part in pro bono service in their law schools. Moreover, students could be provided with monetary incentives in pro bono services which could increase the participation of law student in pro bono services. These solutions are not exhaustive, and the stakeholders concerned could bring the needed changes to deal with these challenges.

CONCLUSION

Overall, this research article highlights the importance of pro bono service in promoting social justice and the role of pro bono in making justice accessible to the marginalized communities in the country. As it is evident from the above discussion that how pro bono can play important role in making accessing justice for the marginalized communities easy, it needs attention of all the concerned stakeholders to identify the grey area in its viability. Moreover, unlike legal aid machinery of state, it is a quite effective way of providing legal assistance to the people. It is also the professional ethics which imbibes the social responsibility among the legal professionals. Given the rampant poverty in the country, pro bono is the apt tool to ease the

access to justice available to the people who cannot afford legal battle to get themselves justice on their own. It taps into the expertise of well-trained professionals so as to provide best free legal aid available to the people of marginalized communities. Given the ineffectiveness of legal aid machinery of state, pro bono could usher in ease of accessing justice to the poor and marginalized.³³

Also time and again, the judiciary, legal fraternity and the government have recognized the importance and potential of pro bono service in a country like ours. Through numerous judgments, the courts have endeared the young professionals to devote some hours of their practice for pro bono catering the need of the marginalized communities requiring legal assistance.³⁴ It has also termed the legal aid services provided by state as their responsibility, while recognizing the right to access to justice as sacrosanct to avail the fundamental right to life and liberty granted under article 21 of the Constitution of India.³⁵ Furthermore, efforts on part of government to entrench the culture of pro bono through various schemes bode well for promoting social justice in the country.³⁶ Pro bono is also a matter of professional ethics which expect every professional to serve for the cause of society.

Moreover, inculcation of pro bono as clinical education in law schools brings a lot of opportunity to the concerned stakeholders.³⁷ It exposes the students to the practical side of the legal battle out of the textbooks making them more experienced by the time they complete the degree. It also provides them with the opportunity of networking with recipients and community organization which help a law student to excel in his/her professional career. Such voluntary social service on part of law schools would provide much needed help to the society and the courts to lessen the pendency of suit and easing access to justice. Inculcation of credit course of pro bono in the law school would provide much needed help to experts in navigating the pro bono service for the marginalized communities. Students would actively help in researching

³³ Akarshita Singh, "Legal Aid in India: Current Scenario and Future Challenges" Manupatra, Dec. 11, 2023, available at: <https://articles.manupatra.com/article-details/Legal-Aid-in-India-current-scenario-and-future-challenges> (last visited on Mar. 26, 2024).

³⁴ *Supra*, Note 9.

³⁵ *Supra*, Note 13.

³⁶ Press Information Bureau, "Press Release" available at: <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1983553> (last visited on Mar. 26, 2024).

³⁷ *Clinical Legal Education and Pro Bono*, The Law Society, available at: <https://www.lawsociety.org.uk/topics/pro-bono/clinical-legal-education-and-pro-bono> (last visited Mar. 26, 2024).

and case management which will further bolster their skills as well. It will also imbibe empathy and compassion among law students towards their client and society at large.³⁸ Furthermore, such law schools having clinical educations would provide legal assistance to the locality where they are located or the locality which they would choose to adopt for their clinical course. Ultimately, it will enhance the access to justice and promote social justice in the country. Moreover, going by the five lenses as discussed above, pro bono service is beneficial for both the law student and society at large. However, it has inherent limitation which needs to be sorted out by the legislature and bar council of India.

The way forward could be to introduce minimum mandatory hour of pro bono service in year while incentivizing the professional in form of positions or cash. The bar council of India could also make every law school to have compulsory pro bono credit course for the law students. Moreover, exploitation of law students has to be checked, and they have to be incentivized so as to motivate them to carry out pro bono services. Moreover, pro bono cases need to be prioritized so as to sync with academic calendar of law schools. Such efforts would require the coordination among bar council of India, law schools and court so as to better incorporate the culture of pro bono in the country.

³⁸ *Supra*, Note 16.