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**Duty Forgotten? Reviving the Culture
of Service through Pro Bono Legal Education in India**

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ABSTRACT

The conventional education system of India always emphasized realizing one's social obligation to serve society. The *Gurukul* structure in ancient India where disciples perform duties and services for societal benefits under the guidance of the *Guru*. It imparted fraternity, life's crucial lessons, various skills, and significantly, a sense of social responsibility, to serve society. It is inferred that 'pro bono culture' is not in technical terms but in general notion, it had been embedded in Indian tradition. The traditional approach has been lost somewhere in the influence of materialistic gain, popularity, wealth, and professionalism. It becomes intrinsic when it comes to the legal profession. Being a law student or serving in a legal profession transmutes an inherent obligation to work for the benefit of society collectively. Contemporary legal education institutions are promoting pro bono culture to render students realize the sense of social obligation from their initial years. There are various Law Universities and National Law Universities across India working in the direction of effective implementation of pro bono culture. However, there are certain issues such as unsuccessful execution, lack of cultural backing, negligence, etc. which collectively hamper pro bono activities. To prevent this debasement Government has come up with different initiatives to direct law students and to sow a seed of a sense of social obligation. The Judiciary has also emphasized pro-bono and legal aid services for indigents which has reflected in various judgements to attend social justice. The situation is gradually developing due to such initiatives as well as creating a great impact on the students to take steps towards providing access to justice to marginalized and needy people. The great pro bono culture of India is rejuvenating.

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Keywords- Social obligation, social responsibility, Pro-Bono culture, social justice, access to justice.

INTRODUCTION

India has always been a center for many intellectual domains. Its great texts include Vedas, Smritis, Dharma shastras, Upanishads, and Bhagavad Gita, which have been teaching humans a sense of social responsibility and to perform moral duties for a prolonged period. The Gurukul structure of education in ancient India imparted to serve and promote goodness in society. It can be inferred that the sense of realization of one's duties, and obligation towards society was sowed from student life itself. The intrinsic values of those texts pave the path to community service and altruistic behavior. It is important to understand that India already had these cultures, however in the colonial era, it was neglected and remained undeveloped, thus it was overshadowed.

India has been affluent in traditional values and its unique way of education from the ancient era. People from other parts of the world like the Middle East, Portugal, and Europe visited our country to obtain a worthy education. The Gurukul system of India was a residential type of schooling where students were taught different subjects as well as lived a culture-oriented and sincere life. The teaching assisted students in developing cognitive ability and personality development and enhanced their intellectuality, mindfulness, positive approach in a difficult situation, and most importantly sense of social responsibility. Practical knowledge in any field plays a crucial role in becoming a skilled person and assisting others with their intellect. The ancient education system focused on the holistic development of an individual by teaching them the significance of duty towards society at large whereas, the contemporary education structure is quite commercial and lacks the holistic feature.

The whole objective of the ancient education system was to impart knowledge of various subjects, render students well-versed in shastras, shlokas, and sutras, and then execute the intellectuality to perform obligations that every individual has towards society. Every individual has the responsibility to reimburse the community with one's good deeds, serving the needy, hence the purpose of life comes closer in the process of meaningful completion. The interpretation of Dharma found in Vedic texts refers to an individual's duty, responsibility, and obligation towards society. The legal knowledge conferred on students in ancient times was based on Dharma. The concept of pro bono or legal aid and access to justice prevailed since humans existed. The terms for the same change but, the connotation was the same, values continued to remain as it is from the Vedic period till now.

The evidence to prove the very above statement lies in the establishment of legal aid committees in law universities. At the beginning of the legal career itself, students are learning the interface of law and society, understanding the issues and challenges faced by society when there is a scarcity of awareness and proper legal aid. Universities have already started with the inception of different committees, Centers of Excellence for Research and Development to achieve the sustainable developmental goals recommended by United Nations, in 2020. The committees and centers are working in the direction of raising the standard of legal awareness and execution of providing free legal aid at grassroots levels, carrying out camps in the villages adopted by the University, promoting legal awareness, etc. The government has adopted initiatives for providing funds to law schools to inculcate pro bono culture. Moreover, the Department of Justice has established the Pro Bono Legal Services Program recently, which aims at fulfilling the State obligation to provide access to justice for the marginalized sector of society. The law universities of the country collaborate with the Pro Bono Legal Services Program of the Ministry and organize various legal awareness camps in the villages and many more philanthropic initiatives.

However, some lacunae exist in the execution part of institutions, further, proper assistance to such universities which are eager and keen to do legal aid services is failing. The paper discusses these issues and tries to provide possible solutions for the smooth functioning of the culture. The paper throws light on various initiatives taken by the law universities in inculcating and promoting the pro bono culture.

ANCIENT APPROACH TO PRO-BONO AND LEGAL AID SERVICES

India that is Bharat- the treasure of ancient knowledge. There would be no subject left in which India is behind. It has every kind of intellect from the day humans evolved. Likewise, in the other branches of knowledge, India has a **legal history** since the Vedic era. Law was considered to provide legal remedies and philosophical discourse³. ‘Dharmashastra’ is known as the philosophy which depicts the interaction among human beings and ways to deal with the issues in community, country, and the world. It is delineated in one of the mantras of Rigveda:

³‘Introduction to Ancient Indian Law,’ Indian Legal and Constitutional History, World Press, available at: <https://ilchslcu.wordpress.com/2015/08/24/introduction-to-ancient-indian-laws/#:~:text=> (last visited on March 15, 2023).

ॐ नमो भगवते वासुदेवाय, ॐ नमो भगवते वासुदेवाय

ॐ नमो भगवते वासुदेवाय, ॐ नमो भगवते वासुदेवाय

ॐ नमो भगवते वासुदेवाय

ॐ नमो भगवते वासुदेवाय ॐ नमो भगवते वासुदेवाय

ॐ नमो भगवते वासुदेवाय ॐ नमो भगवते वासुदेवाय⁴

It is a prayer stating that for all the living beings on the Earth to live peacefully, there should be unity in voice and let the mind be in harmony. The objective of all living beings should be one and have the same mind. To create such a kind of integration, a common prayer is rendered. Also, the aim and desire should be alike to have a unified purpose for all.

The mantra focuses on the unification of minds to develop a robust and healthy space for the progress and happiness of everybody. Everyone is equal and believes in fraternity for the development of society. There should be no discrimination between superior and inferior, as also said in the Pledge of India that ‘we all are brothers and sisters,’ progressing together for social success. It is inferred that the notion of affiliation and reciprocal conductance for the betterment of society is already rooted in India. However, the Indian Constitution makers adopted this concept and incorporated it in Article 14 of the Constitution.

The ancient Indian governance mechanism laid significance on ‘*swadharma*’ i.e., rendition of one’s own duty. This can be understood by the verse stated in Bhagavad Gita,

ॐ नमो भगवते वासुदेवाय ॐ नमो भगवते वासुदेवाय

ॐ नमो भगवते वासुदेवाय

ॐ नमो भगवते वासुदेवाय ॐ नमो भगवते वासुदेवाय

ॐ नमो भगवते वासुदेवाय⁵

Lord Shri Krishna preached to Arjuna that performing one’s duty assigned to him or her is the greatest dharma, which is called Varnashrama dharma. Lord Shri Krishna stated that the duty specified to Arjuna, he must follow it. He needed to understand that there was nothing better

⁴ Rigveda, Mandala 10, Hymn 191.

⁵ A. C. Bhaktivedant Swami Praphupada, ‘Bhagavad-Gita: As it is,’ Adhyay 2, Shloka 31.

than fighting the war based on religious principles, hence there should be no hesitation while performing it.⁶

The great Shastras describe the duties and obligations of humans. These scriptures have not under any conditions stated about rights. This is unfortunate that contemporarily, principles of right-based society are followed and not pre-established duty-based.

The key point to note from these texts is the sacred values that India already had, but it is a notion that India adopted the values of social responsibility from invaders, which is incorrect. The contemporary legal education system has somewhere forgotten the intrinsic morals and therefore there is a lack of effective implementation of pro bono activities in law schools. The system needs to look back and if it genuinely wants that pro bono should matter, it must understand and inculcate social responsibility in law students from the initial years. As the world is moving towards awe-struck advancements in terms of technology, energy, healthcare, aerospace, legal arena, the roots should not be abridged. India's roots lie in its intrinsic morals and values which teach social responsibility as the *dharma* of every individual.

CONTEMPORARY SITUATION OF PRO BONO ACTIVITIES CONDUCTED IN LAW UNIVERSITIES

Educational Institutions have a special significance in imbibing values of social responsibility within students. As a student's intellectual growth and development depend on academic and co-curricular activities, extra-curricular such as pro bono activities assist in developing a sense of social responsibility among students. The activities that create a social impression, aid society at large, and social well-being policies adopted by institutions would be considered that social responsibility is being recognized. There are many law universities in India, including both aided and non-aided working towards incorporating social responsibility in students. Universities have found diverse ways to reach out to people who need legal assistance and serve them. The National Law Universities have set up social responsibility ventures by rendering pro bono activities mandatory and have given the status of academic necessity.

⁶ Gyan Ganga-6 'Corporate Governance Through Ancient Indian Scriptures', The Institute of Company Secretaries of India, Centre for Excellence in Research & Training (CERT), available at: https://www.icsi.edu/media/webmodules/CG_from_Ancient_Indian_Scriptures_AnOverview.pdf (last visited on March 20, 2023).

‘Unnat Bharat Abhiyan’ 2.0⁷ has been established by the Ministry of Human Resource Development which aims to put forward a transformative change in bucolic development by way of integrating higher education institutions and bucolic areas. The drive emphasized bringing reforms to imbibe social responsibility and promoting community engagement at universities. It will ultimately connect the students to the community. Department of Justice under the Ministry of Law and Justice has introduced the Nyaya Bandhu (Pro Bono Legal services) Program which integrates law schools and its students within its purview. The purpose of the pro bono scheme is to ameliorate the effectiveness as well as standard of pro bono legal services by way of assisting pro bono advocates through competent law students. The Bar Council of India has also taken steps towards inculcating the culture of social responsibility by providing legal aid among law students described under various provisions of the Rule of Legal Education, 2008.

The Institutes meant for medicine and engineering, organize free medical camps and treat patients and students develop such appliances that render human life easier, respectively. Likewise, students from a law background must work within society and lead people on the path of justice. National Law Universities and other law universities have always been seen taking effective approaches that have enduring social impact. The institutes have various centers and committees working for the upliftment of different sectors of society through legal awareness, legal assistance, etc.

Following are the different legal institutions, leading towards achieving social responsibility:

Maharashtra National Law University, Nagpur has various centers working to aid marginalized, poor, and vulnerable groups of society. The Centre for Tribal and Land Rights, Centre for Gender Justice Studies, Centre for Child Rights, and Centre for Intellectual Property Rights, help to enhance legal literacy and legal awareness among people. The Legal Aid Committee of the university, has conducted various workshops, drives, and programs in nearby villages to teach primary students, aware students about fundamental rights embedded in the Constitution, etc. Also educating women about feminine hygiene, domestic violence, sexual harassment, prohibition on dowry demand, etc. Students act as volunteers and actively participate in such campaigns to develop a sense of social responsibility.

⁷ Unnat Bharat Abhiyan, available at <https://unnatbharatabhiyan.gov.in/introduction> (last visited on March 18, 2023).

The Centre for Human Rights, Women Empowerment and Child Development established at NLU Jodhpur, conducts workshops like building cooperation with local and international NGOs to organize drives, teaching and training programs, and conferences.

DSNLU Vishakhapatnam has established the Centre for Child and Law which conducts seminars, workshops, and legal literacy programs and carries out research by indulging the stakeholders to recognize the child rights⁸.

The inception of the Centre for Disability Studies and Health Laws at **NLU Assam**, NLU Centre for **Cuttack's** Tribal Rights Advocacy and the Centre for Disability Studies, the National Academy of Legal Studies and Research at **NALSAR Hyderabad**, and the Centre for the Study of Social Exclusion and Inclusive Policy in **NLS Bangalore**, by the way of these centers, the universities have ratified community liability and assistance to society.

The Centre for Environmental Law, at **MNLU Nagpur**, CEL, Climate Change and SD at **GNLU Gandhinagar**, and Centre for Advanced Studies in Energy Laws at **RGNUL, Patiala**, lay down various issues regarding the environment, conduct climate literacy and climate change education, and promote legal education and research in the field of environmental law.

Symbiosis Law School Pune commenced a pro-bono club and had various successful events during COVID-19, such as issuing death certificates as well as other legal documents to the widow and family of the victim.⁹

The Legal Aid activities organized by **Jindal Global Law School** have an objective of social welfare in the nearby villages of campus and give them long-lasting solutions by using law as a tool of social engineering. The Legal Aid Clinic of the university indulges with children from usually economically backward classes and educates them as a part of pro bono activity. It has taken the initiative in filing a lot of petitions in the courts to implement the provisions of the Right of Children to Free and Compulsory Education Act, of 2009. It allows children to learn in private schools and enhance their holistic development.

“Legal education is essentially a multi-disciplined, multi-purpose education which can develop human resources and idealism needed to bolster the legal system. A lawyer, a product

⁸ Anita Kumari and Pratikarpa Sharma, Social Responsibility and Legal Education in India: A study in special reference to National Law Universities, Indian-Society Paper, PBI, 155 (2021).

⁹ Alifiya Khan, ‘How law students in Pune are responding to societal need – one case at a time.’ The Indian Express, Pune, April 19, 2022.

of such education would be able to contribute to national development and social change in a much more constructive manner.” By S.P. Sathe

The Legal Education System in India has been in a dilemma, whether to prioritize, the promotion of social justice or endow men and women with the necessary skills for the profession.¹⁰ Studying law as an aspect of liberal education and stepping into the legal profession and maintaining professionalism, both the objects fall inside the domain of legitimacy for legal discipline. The nature of this subject is such that it equips the students for social as well as professional life. These two purposes should not be looked at as a contradiction to each other. The institutions need to strike an equilibrium between the requirements of students to be professional and earn handsomely on graduation and the need to be adequately mentored to work for the community.

LOOPHOLES IN IMPLEMENTING PRO-BONO CULTURE

The progenitor of the integrated 5 years law course in India, Dr N.R. Madhava Menon accepted the fact that one of the primary objectives of establishing National Law Schools, to render access to justice extensive and surpass the standard of education, had been unsuccessful.¹¹ The pedagogy of NLUs emphasizes on private sector and provides trained graduates for corporate, legal, and management services.

Bar Council of India Rules of Legal Education, 2008 has mandated that every law school must have legal aid clinics with the objective of providing equitable legal aid services to the indigent section of society. However, most of the law schools fail in the inception of legal aid clinics. As stated above, various universities are way forward and are working efficiently. Owing to a lack of funds¹² and expertise in the required domain, law schools frequently render interference and give legal aid unaccompanied by examining the loopholes. Such ignorance renders the interference unproductive.

Most of the law schools have initiated and organized legal aid camps and workshops, which provide voluntary programs, nevertheless, their scope and quality vary considerably. Despite

¹⁰ Prabhat Kumar Saha & Shivam Kaushik, ‘A Conception of Legal Education and Social Responsibility,’ 10 JLS 48 (2019).

¹¹ Professor N.R. Madhava Menon, “The Transformation of Indian Legal Education: A Blue Paper.” Harvard Law School Program on the Legal Profession, 8 (2012).

¹² Anubhav Raj Shekhar, ‘Why do law school based legal services clinics fail?’ Law School Columns, Bar and Bench, May 28, 2022.

conducting several pro-bono activities by the law schools, less participation is observed. The projects involved a few dozen participants. There are majority of students have no legal pro bono work as part of their educational experience.

These are the hindrances that are coming on the way to achieving a sense of social responsibility and performing pro-bono activities effectively.

PLAUSIBLE REMEDIES TO OVERSHADOW THE CHALLENGES IN FOLLOWING PRO-BONO CULTURE

As BCI Rules have mandated that law schools set up legal aid clinics, however, most of the law schools did not take it as seriously and hence its effective implementation failed. It should not be the case where just for the sake of establishing legal aid clinics, institutes are doing. The approach should be genuine, then only, a plausible outcome can be perceived. Here, law professors play an important role in the job of policy making, due to their in-depth intellect in the discipline. There is a non-temporary Office of Law Revision Counsel in the United States, wherein legal academicians prepare a consolidated code of general and non-temporary laws of the US as well as legal policy making which shapes upcoming laws¹³. The involvement of legal academicians in policy-rendering can surely affect the policies public-centric and socially relevant.

According to a law student who filed a PIL in the Supreme Court against the rule that denied students interning under advocated to enter SC premises, stating that it violates students 'right to know,' law students are equal members of the legal fraternity and hence have obligation to take a stand for causes. This is not the only instance, there are various instances where students indulged in the matters and took the lead on social issues. A few law students sent a letter to CJI informing them about the felling of trees in the Colony of *Aarey*. The court took *Suo Moto* cognizance and stayed the cutting down of trees. Moreover, students from GNLU filed a PIL challenging the validity of section 9 of the Hindu Marriage Act, 1955, which delineates about restitution of conjugal rights. It is inferred that students are aware and it results in the best interest of the society and social spirit. This social responsibility among students is reflected through institutionalized mechanisms. 'Social Lawyering' and 'Public Interest Lawyering' are the schemes that should be initiated by the law schools in their established Legal Aid Clinics. Such initiatives would inspire students to use law and legal institutions as a method to put

¹³ Editorial Reclassification, Office of the Law Revision Counsel: United States Code, available at: <https://uscode.house.gov/editorialreclassification/reclassification.html> (last visited at March 19, 2023).

forward social change. These programs should be promoted exponentially and be allotted isolated funds to carry out proper functioning.

Law schools must have a mandatory course for legal aid, where students must carry out any kind of pro bono activity to initiate a sense of social responsibility. Every law school should make it compulsory for every student to indulge in pro-bono activities. These activities can be ground and policy-oriented research, giving inputs in legal aid clinics, environment protection initiatives, and free counselling to women and people from marginalized and backward classes. Organizing workshops at villages adopted by the law schools, for instance, creating legal awareness and legal literacy as well as developing affiliations with the community and due accountability.

Legal awareness and legal literacy play an utmost significance while performing pro bono activities. As there exists corporate social responsibility in the corporate world, while in the professional arena, 'professional social responsibility' exists. As a part of legal discipline, one can perform his or her legal obligation of free legal service, anywhere. For instance, a street food vendor, the vendor who is unaware of his rights under the Street Vendors Act, 2014.¹⁴ Through small steps, law students can literate him about his rights and duties as well as about the food licensing certificate issued by FSSAI.

It is under the impression that only, indigent people require legal assistance, civilized, and well-learned need legal aid. In a world full of technological advancement, many people are falling prey to cyber fraud. Hence, it is ambiguous that legal aid also includes legal literacy and legal awareness. For bringing genuine transformation within the society, 'top-down' and 'bottom-up' are the two approaches that need to be followed. To elucidate, to abolish sati practices, a top-down approach was used, in the sense legislation came into force prohibiting sati. Likewise, to forbid animal slaughter, gradual steps are taken and a bottom-up approach is followed.

Constitutional and Statutory Provisions for PRO BONO

The Indian Constitution bestowed us with various provisions that support and promote PRO BONO CULTURE. Article 14 under part III of the Constitution states that there should be equality before the law in the territory of India.¹⁵ Thus, every person must be treated equally and provided equal opportunities before the law. Article 39A exclusively states that there

¹⁴ Street Vendors Act, 2014 (Act no. 7 OF 2014).

¹⁵ The Constitution of India, 1950, Article 14.

should be equal justice and free legal aid, it reads¹⁶, “The state shall secure that 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 because of economic or other disabilities.” Although the Directive Principles of State policy is not enforceable in the Court of Law it is expected and appreciated that the state should take every possible approach to provide justice to each citizen in the country, although it is not possible due to many reasons, yet it cannot be neglected as seeking justice is the inherent right of the person. When there is a violation of fundamental rights and the person experiences injustice, it becomes necessary as these are those basic rights that even the state cannot take away. In the case of *Hussainara Khatoon v. State of Bihar*, the court highlighted that “It is possible to reach the benefits of the legal process to the poor, to protect them against injustice and to secure to them their constitutional and statutory rights unless there is a nationwide legal service program to provide free legal services to them.”

The Parliament has enacted the Legal Service Authority Act 1987 to provide free legal services to the weaker sections of the Country. It says, “An Act to constitute legal services authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen because of economic or other disabilities, and to organize Lok Adalat to secure that the operation of the legal system promotes justice on a basis of equal opportunity.”¹⁷

Under section 4 of the LSA Act, it lays down the specific function that ‘shall’ be followed by the Central Authority. The major functions include:

- Framing effective and economic schemes to make available the legal services mentioned under the provisions of the act.
- Organizing Legal Camps, more preferentially in rural areas, slums, and labor colonies with the dual purpose of educating the weaker sections of society to their rights as well as encouraging the settlement of disputes through Lok Adalat.
- Promoting research in the field of legal services with special reference to the need for such services for the poor section of society.

¹⁶ The Constitution of India, 1950, Article 39A.

¹⁷ The Legal Services Authority Act, 1987 (Act 39 of 1987).

- “Organize, in consultation with the Bar Council of India, programs for clinical legal education and promote guidance and supervise the establishment and working of legal services clinics in universities, law colleges, and other institutions”
- Taking measures for spreading legal literacy and legal awareness amongst the people and educating weaker sections about their legal rights, benefits, and privileges guaranteed by the social welfare legislations, including administrative programs and schemes.
- “Rendering special efforts to enlist the support of voluntary social welfare institutions working at the grass-root level, particularly among the Scheduled Castes and the Scheduled Tribes, women and rural and urban labor”

The act has specified certain criteria to give legal services. The following are the people who could avail themselves of free legal services:

- I. Members of scheduled Castes and Scheduled tribes
- II. Victim of Human Trafficking and beggar (As specified under Article 23 of the constitution of India)
- III. Woman or Child
- IV. A person with a disability as defined under section 2(i) of the Persons with disabilities act which includes the following:
 - Blindness
 - Low vision
 - Leprosy cured
 - Hearing impairment
 - Locomotor disability
 - Mental retardation
 - Mental illness
- V. A person who is the victim of mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake, or Industrial disaster.
- VI. An Industrial workman
- VII. in custody, including custody in a protective home within the meaning of clause (g) of section 2 of the Immoral Traffic (Prevention) Act, 1956 (104 of 1956) which includes an institution that is licensed and in which a person who is in a need of care and protection may be kept and where appropriate and technically qualified persons, equipment and other facilities are provided however it does not include a shelter where undertrials are kept or a corrective institution; or in a juvenile home within the meaning of clause (j) of section 2 of the Juvenile

Justice Act, 1986 (53 of 1986), or a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of section 2 of the Mental Health Act, 1987 (14 of 1987)¹⁸

VIII. A person who has an annual income of not more than 1 lakh and the limit in Supreme Court legal service authority is 5 lakhs.¹⁹

Rule 48 of the Standards of Professional Conduct and Etiquette under the Bar Council of India Rules says that “Every advocate shall bear in mind that anyone who is genuinely in need of a lawyer is entitled to legal assistance even though he cannot pay for it fully or adequately. Within the limits of an advocate's economic condition, an advocate is obligated to provide free legal assistance to the indigent and oppressed”

The Role of the Judiciary in Promoting Pro bono Culture

Although the judiciary does not have the power to make laws, the decisions and the reasons given make a great impact on the lives of people. In much leading judgment, the Indian Judiciary has recognized the importance of pro bono culture and suggested that lawyers adopt this value in their profession.

B Sunitha v. State of Telangana²⁰

In this case, the respondent, an advocate initiated a case against his client, the appellant for dishonoring under section 138 of the Negotiable Instrument Act. The appellant argued that the section does not attract the case because the debt for which the cheque had been issued was not legally enforceable. The appellant already paid Rs 10 lakhs as fees to the respondent however the respondent forced the appellant to pay Rs 3 lakh more and he sent an email to the appellant stating that only 16% of the total fees are paid towards the service rendered.

The court in this case observed that “The case in hand is an example of the present-day trend of the legal profession. The legal profession is essentially service oriental. The ancestor of today's lawyers was no more than a spokesperson, who rendered his services to the needy members of society, by putting forth their case before the authorities. Their services were rendered without regard to remuneration received or to be received. With the growth of

¹⁸ *Ibid.*

¹⁹ Department of Justice, National Legal Services Authority, available at: <https://doj.gov.in/access-to-justice-for-the-marginalized> (last visited at March 20, 2023).

²⁰ B Sunitha v. State of Telangana, (2018) 1 SCC 638.

litigation, the legal profession became a full-time occupation. The trend of the legal profession has changed ... profession has almost become a trade. There is no more service orientation.”²¹

The cheque must be drawn to discharge the liability or debt either wholly or partially and here the appellant has already discharged the debt i.e., the fees thus it will not attract the provisions of Article 138 of the Negotiable Instruments Act thus the court disposed of the appeal filed by the respondent.

The Ministry of Law and Justice Committees reports on Legal Aid and Legal Clinics in Law Schools.²²

The Expert Committee on Legal Aid 1973

According to the report of this committee, the major aim of legal aid was not just to provide counsel to needy people, but it is beyond this concept. Here the committee aims to envisage legal aid as a “socio-legal movement bringing justice to the poor and spearheading peaceful change under law towards the constitutional goal of Just, egalitarian social order.”

The report states the benefits of law schools in participating in legal aid programs. They are as follows:

1. The existing legal system favors the Rich section over the poor section, and it is more in the favor of urban than the rural population. The legal practice is more inclined towards “rich business corporations and property individuals” and thus there is more need to protect the legal rights of the poor section and give them access to justice. Here law schools and law students can grab opportunities by using their intellect and enthusiasm to meet the needs of the poor bringing legal transformation in society and reducing biases in the justice process.
2. Legal aid would train law students to learn professional ethics and legal processes and this expertise will help the poor to get quicker justice at the same time law students will also be able to cater to the need of needy by giving them excellent legal advice while lending a helping hand to people living in remote and backward areas, where even professional agencies fail to serve.
3. Introducing legal aid clinics in law schools helps law students to:
 - Understand professional responsibility and realize a sense of public service.

²¹ *Ibid.*

²² Shuvro Prosun Sarker, Empowering the Underprivileged: The Social Justice Mission for Clinical Legal Education in India, 19 INT’L J. CLINICAL LEGAL EDUC. 321 (2013).

- Develop “Necessary perspective, a sense of relevancy, and skills to articulate and apply these ethics in sensitive and concrete situations”
- 4. It helps law students to understand how the law works in different kinds and parts of societies. It reveals various facets of society and understands the nexus between antisocial behavior and the status of poverty and how the law can help to deal with these problems.

The Judicature Committee Report 1977: “Equal Justice- Social Justice”

In this report, the committee recommended the addition of Section 37A under The Advocates Act 1961. The proposal was, “The introduction of legal service clinics in law schools as part of curricular instruction in professional education is the natural answer to the vexed question of building up a cadre of poverty lawyers competent to run a nationwide legal services program.”²³

The committee advocated that provisions can be made in the Advocate Act 1961, regarding 3rd-year law students who have participated in several legal aid programs and worked in legal clinics and have been certified for the same so that they could appear in any tribunal or court on behalf on the poor person, provided that such representation is under the supervision of a lawyer associated with legal service clinic and with the approval of the respective judge.

Committee for Implementing Legal Aid Schemes 1981

The committee suggested other important aspects of legal aid other than legal aid programs which will supplement these programs in more productive ways.²⁴ The recommendations given by this committee include:

- Promotion of legal education among the weaker and backward sections of society and making them aware of the rights and benefits they hold.
- Organizing legal aid camps by the state and providing legal services at the doorstep of the weaker sections of society.
- Training programs for the para legal person to provide support and expertise to the legal aid programs.

²³ Supriyo Routh, Providing Legal Aid: Some Untired Means, Journal of the Indian Law Institute, Vol. 50, No. 3 pp. 375-390 (2008).

²⁴ Jagat Narain, ‘Legal Aid- Litigation or Educational: An Indian Experiment,’ Journal of the Indian Law Institute, 28, No. pp. 72-78 (1986).

- Establishing separate legal side clinics in Law universities and colleges and using the knowledge, innovative ideas, and expertise of law students to provide legal aid to the poor sections of society. Also, the introduction of “Law and Poverty” as a separate subject in the curriculum of LLB to make the students realize the socio-economic reality of the country and will encourage them to work on it.
- Use of Public Interest Litigation through class actions.

Nyayabandhu: An Initiative Towards Free Legal Aid in India

The Government of India launched the Pro Bono Legal Service Program in April 2007 to enhance the practice of “Free legal aid” and fulfill the constitutional obligation of the state to provide access to justice to every person in the country. It facilitates the delivery of “Quality legal assistance to the marginalized sections of the society” and recognizes the efforts of the lawyers to contribute towards the pro bono culture. Technological assistance in the form of an application called, “Nyayabandhu” is created to fulfill the ideas of this scheme and to bring more productivity and quality²⁵.

Nyayabandhu gives services to the marginalized section of society and is termed an Applicant. Applicants include any person falling under section 12 of the Legal Service Authority Act 1987. It includes Members of scheduled castes and scheduled tribes, Victims of human trafficking and beggars as referred to under Article 23 of the Constitution of India, Women or a child, Persons with disability and persons in custody, Industrial workmen, Victims of mass disasters, ethnic violence, caste atrocity, natural disasters and Industrial disaster, the person of annual Income less than as specified in the laws. The Applicants must show proof of eligibility and validity to be able to access its services.

CONCLUSION

Pro bono is a crucial part of every society. Many countries have special laws emphasizing the concept of pro bono culture in their legal system. We have adopted our legal system from Britain, but our Indian culture has always prioritized this in the form of “DHARMA.” In contemporary times, the Indian Constitution mandates the state to follow this principle and execute the culture of pro bono to give access to every person in the societal strata. However,

²⁵ Department of Justice, Ministry of Law and Justice, India, available at: <https://doj.gov.in/> (last visited on March 21-2023).

much importance has been given to the marginalized because they do not have the means and resources to access our legal system and some do not even know about their rights. Thus, the legal profession plays an important role in aiding such people towards the path of Justice, and this role can be inculcated in the legal professionals from the time they take their first step towards this profession, i.e., from law schools, if the sense of social responsibility is enrooted from the initial years, the scope of pro bono will get broaden.

Article 39A of the Constitution although not enforceable in a court of law, directs the state to make provisions regarding the fulfillment of the aim of the Article. Thus, there are various legislations, and programs initiated by the government and government reports that implement and suggest the practice of pro bono culture in India. However, the major actor in the implication of this idea is the Education system of the country. The seed sown at the right time produces good fruits similarly when the idea of pro-bono culture is implanted in the Education system of India, i.e., when the students are still in the learning stage it would create a great impact on the whole society when the practical application of their learnings. The three committee reports repeatedly highlight the importance of legal aid clinics in law colleges and mention the benefits of the same. Although there are many challenges to the application of this idea, for example, the large population of the country, less no skilled personalities, etc. however, proper planning and correct steps taken by the government while foreseeing the pros and cons of the policy, and the ways to tackle it can the same, there would be nothing that could stop India from reaching the constitutional dream of “Access to Justice for all.”