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LAW FOR ALL: THE UNTOLD STORY OF LEGAL AID EDUCATION IN GHAZIABAD

AUTHORED BY - SAPNA CHAUDHARY

Abstract

Over the past few decades, legal education in India has undergone significant transformations. The philosophy of constitutional justice has long served as the cornerstone of legal education. In this context, legal aid emerged as a vital mechanism to advance the broader ideals of justice. Nevertheless, the objectives and interpretations of these ideals have evolved over time. Recognizing the importance of legal aid, the Bar Council of India introduced it as a central pedagogical tool, aimed at achieving two objectives simultaneously: to ensure access to justice for ordinary citizens and to train law students by equipping them with practical skills and instilling professional and social justice. Although the concept of legal aid is well established both within India and internationally, its role as a pedagogical instrument remains undervalued and often neglected in many institutions offering legal education. Several factors contribute to this, including shifting institutional priorities and a lack of clear understanding and commitment to these goals. The rise of National Law Universities (NLUs) and other legal institutions, coupled with the increasing number of students entering the legal profession, has created new opportunities for institutions to expand their contributions to society. While various studies have examined law school clinics in the context of promoting Access to Justice, very few have considered legal aid through the lens of teaching, learning, and research. Accordingly, the present paper focuses on how both internal and external factors influence the operation of legal aid clinics across four different types of legal institutions situated in the Ghaziabad district. The thesis progresses in three stages: First, it traces the historical development of legal aid through key policy documents related to legal education, analyzing how the ideals of justice have been framed and evolved. Second, it examines how these ideals are operationalized within legal institutions in Ghaziabad, assessing their impact on teaching, learning and research through detailed case studies. Third, it evaluates the findings against a structured framework built on the constitutional ideals of justice, offering evidence-based recommendations for strengthening the role of legal aid in legal education. The combination of a carefully developed framework and empirical insights, supported by a thorough review of the existing literature, marks a unique and valuable contribution to the field of legal aid

education.

Keywords: Legal Aid, Social Justice, Legal Institutions, NLUs, Legal Education.

Introduction

“The concept of seeking justice cannot be equated with the value of dollars. Money plays no role in seeking justice.” - Justice Harry Blackmun (*Jackson v. Bishop, 1968*). Legal Aid means providing free legal help to people who cannot afford it. It ensures that everyone, especially the poor and vulnerable, gets legal support in courts or tribunals, regardless of their financial situation. The main idea is to make sure that justice is not denied to anyone just because they lack money. Legal Aid programs were introduced to help people resolve legal issues, starting mainly with family and divorce cases. Legal Aid is closely linked with the idea of a welfare state. It supports people's basic rights like housing, education, health, and social security. The goal is to promote fairness and equal justice for all, not just in theory but in practice (*Jain, 2023*). If someone cannot go to court to protect their rights due to financial issues, then justice loses its meaning. The law must actually work for the people it was made to help. Today, the challenge is to create laws and policies that protect fundamental rights and promote social justice. Without free legal services, poor people are denied equal access to justice (*Law Commission of India, 1958*).

Speaking through the Legal Aid Committee formed in 1971 by the State of Gujarat, chaired by Justice P. N. Bhagwati, the committee at New Lal College, Ahmedabad, emphasized the importance of accessible legal aid (*Legal Aid Committee, 1971*): “The legal aid means providing an arrangement in the society so that the mission of the administration of justice becomes easily accessible and is not out of reach of those who have to resort to it for the enforcement of its given to them by laws the poor and illiterate should be able to approach the court and their ignorance and poverty should not impede their obtaining justice from the courts. Legal aid should be available to the poor and illiterate who don't have access to the courts. One need not be a litigant to seek aid by means of legal aid.”

Legal Aid helps fulfill the Constitution's promise of equal justice for all. The government must make sure that poor and disabled people can access the legal system. Legal Aid is not a political favor or charity—it's a response to poverty. Earlier, it only meant providing a lawyer at the government's cost. But now, its scope has widened to include things like Public Interest

Litigation, Lok Adalats (people's courts), and legal awareness programs. In civil cases, Legal Aid depends on a person's income. But in criminal cases, it is a legal right, regardless of income (*Moorhead & Pleasence, 2004*).

Research Problem: “JUSTICE BEGINS WITH KNOWING: A CRITICAL STUDY OF LEGAL AID EDUCATION IN GHAZIABAD DISTRICT”

Objectives

1. To understand the historical and evolution of legal aid education since independence.
2. To explore institutional practices of legal aid as mandated by the Bar Council of India.
3. To influence the impact of legal aid education on student learning and education.
4. To influence the impact of legal aid education on teaching and research.
5. Analyse the factors that impact effective learning amongst teachers and students in different types of institutions.

Research Questions

1. In what ways legal aid education extends and contributes towards securing the constitutional mandate of social justice?
2. How has legal aid education evolved since independence aligned to the major changes in legal education.
3. Why is legal aid education important for students and teachers in institutions offering legal education?
4. What are the factors that affect or influence effective legal aid education?

Hypothesis

1. That there is no significant difference in the implementation of legal aid education across institutions in Ghaziabad with respect to Constitutional principles.
2. That there is a significant difference in the implementation of legal aid education across institutions in Ghaziabad with respect to Constitutional principles.

Journey of Legal Aid Through Time

Legal aid, as a formal concept, is relatively modern but the idea of providing justice without discrimination dates back to medieval times. Emperor Jahangir, for instance, judged cases in

his court regardless of a person's religion, status, or background (Mathivanan, 2015). The structured development of legal aid began in France in 1851, where the government passed a law to help those in need access legal services. In the United States, the Legal Aid Society of New York was established in 1876 to support the poor with legal issues. In India, legal aid efforts began around 1950, when the government encouraged discussions in law conferences about helping the underprivileged. The first major step was taken by the Government of Bombay, which formed a committee led by Justice Bhagwati. The committee introduced two criteria for legal aid: the Prima Facie Case Test and the Means Test (*Johnson Jr., 1974*).

The Law Commission's 14th Report in 1958 stressed the importance of free legal aid. Later, in 1973, an expert committee headed by Justice V.R. Krishna Iyer recommended making legal aid a legal obligation. In 1980, the CILAS (*Committee for Implementing Legal Aid Schemes*) was formed under Justice P.N. Bhagwati expanded legal aid programs and introduced the concept of Lok Adalats for faster dispute resolution (*Expert Committee on Legal Aid, 1973*). Finally, the Legal Services Authorities Act was passed in 1987 and came into force in 1995, leading to the creation of the National Legal Services Authority (NALSA).

Significance of Legal Aid

According to the Cambridge Dictionary, legal aid is defined as a system that offers free legal advice and support to those who cannot afford it (*Cambridge Dictionary, 2023*).

Justice V.R. Krishna Iyer emphasized that legal aid is about giving law a human soul. He believed its true purpose is to ensure that both rich and poor people receive equal legal help, and that justice should be available to everyone through the legal system (*Iyer, 2015*). Legal aid is not just a service-it is a basic human right and an important part of the Indian legal framework (*International Covenant on Civil and Political Rights, 1966*). Legal aid can be provided in many ways, including:

- Waiving court and process fees
- Covering the cost of witnesses and lawyers
- Giving legal advice
- Helping with documents (drafting, copying, printing)
- Providing legal representation in court
- Offering services through mediation or family counseling centers

The idea of legal aid is clearly mentioned in the Indian Constitution, especially under Article 21, which guarantees the right to life and personal liberty. Legal aid is also supported by various laws such as: The Legal Services Authorities Act, 1987, The Criminal Procedure Code, 1973, The Civil Procedure Code, 1908. These laws make legal aid a legal right, ensuring that justice is accessible to all, not just those who can afford it.

Main Findings

Objective 1 (Related to Research Question 1)

To understand how legal aid education has developed over time in the Ghaziabad district, key legal education documents were reviewed and mapped. These documents (*as listed in Table 1*) helped trace the growth and transformation of clinical legal education since independence, with a focus on how legal aid is being taught and practiced. Through this mapping, important aspects of legal aid education were identified. These included:

- Key dimensions like clinical legal education, legal aid units, their goals, and the stakeholders involved (students, faculty, community, etc.).
- Core elements such as moot court exercises, administrative roles, and public service activities.
- Sub-elements that deal with specific skills and practices like trial procedures, pre-trial work, client counseling, drafting, pleading, and conveyancing.

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Table 1: The landscape of Legal Education Reports and Rules

From 1947–1982	From 1982–Present
<ol style="list-style-type: none"> 1. Report of the Bombay Education Committee, 1949 2. All India Bar Committee, 1953 3. Rajasthan Legal Education Committee, 1955 4. I Law Commission Report (M.C. Setalvad), 1955–1958 5. Bar Council of India Rules, 1963 6. Gajendragadkar Committee Report, 1964 7. Expert Committee Report on Legal Aid: Processual Justice (V.R. Krishna Iyer), 1973 8. Notes Towards a Socially Relevant Legal Education: UGC, 1975–76 9. National Juridicare Report: Equal Justice - Social Care, P.N. Bhagwati, 1978 	<ol style="list-style-type: none"> 1. Bar Council of India Rules, 1982 2. Report of Curriculum Development Centre (UGC), 1988–90 3. Mac Crate Report: Legal Education and Professional Development, 1992 4. Ahmadi Commission Report, 1994 5. Bar Council of India Rules, 1998 6. UGC Report, 2001 (P. Leelakrishnan) 7. 16th Law Commission Report, Report 184, 2002 (Jagannadha Rao) 8. 16th Law Commission Report, Report 189, 2004 9. Bar Council of India Rules of Legal Education, 2008 10. Supreme Court Committee Report on Legal Education Reform, 2009 11. National Knowledge Commission Report, 2009 12. Bar Council of India Inspection Manual, 2010 13. Curriculum Development Committee, Bar Council of India (Draft Report 2010) 14. Draft Rules of Legal Education, 2019

These components were organized into an Ontological Framework - a method used to break down and study complex systems in a structured way. This framework was applied to the study of law institutions in Ghaziabad to analyze how well legal aid education is integrated into teaching, practice and service. The findings show that while many institutions are formally

committed to legal aid, there are gaps in implementation, especially in practical engagement and community outreach.

Cluster Analysis of Legal Aid Education in Ghaziabad District

Table 2: Cluster Analysis of the key documents

Level	Focus Area	Key Themes
Level 1: Primary	Foundation Activities	Activities like moot court competitions, supported by local bodies or NGOs, aimed at developing basic legal understanding and contributing to community welfare.
Level 2: Secondary	Practical Learning	Skills such as trial preparation, drafting, legal aid, ethics, and public service are emphasized. These are encouraged through partnerships with government and community bodies at the undergraduate level, including research and outreach.
Level 3: Tertiary	Community Law Practice	Focus on bar-bench interaction, public interest lawyering, and paralegal services. These areas help develop ethical values, social responsibility, and practical skills for law professionals.
Level 4: Quinary	Institutional and Policy Support	Universities (government and private, affiliated or autonomous) are responsible for offering legal problem-solving, legal analysis, research, alternative dispute resolution, counseling and communication skills. These efforts are guided.

The table above highlights how legal aid has been recognized as a significant part of legal education. Institutions that offer legal education are expected to include legal aid in their academic approach to promote values like justice, fairness, reforms and community development.

Legal aid plays a key role in achieving goals such as providing justice to all, ensuring fairness in society, supporting legal reforms, offering public services, and improving community conditions. A detailed analysis of various reports has placed legal aid-related elements into four levels:

- **Primary Level:** Involves activities like moot court participation, often conducted with the support of local authorities or NGOs to promote social development.
- **Secondary Level:** Covers practical training such as trial preparation, drafting, pleading, legal aid services, and promoting ethics. These activities are mostly targeted at undergraduate (bachelor's) students and are often supported by local governments, the judiciary or community groups.
- **Tertiary Level:** Focuses on building stronger connections between lawyers, judges, and public interest law services. This level aims to enhance social equity, community growth, and professional ethical standards for practicing lawyers.
- **Quinary Level:** Universities whether public, private, autonomous or affiliated are responsible for offering both soft skills (like communication) and hard skills (like legal research and problem-solving). These are regulated and guided by central or state-level legal bodies through structured teaching methods.

In Ghaziabad district, law institutions such as government law colleges and private universities are expected to incorporate these aspects of legal aid into their teaching and outreach. The goal is not only to equip students with theoretical knowledge but also to prepare them for real-world legal challenges. However, findings suggest a noticeable gap between these educational goals and the actual practices in legal institutions. To understand this better, a study was conducted across four types of institutions within Ghaziabad:

1. State Government Colleges
2. Affiliated Law Colleges
3. Private (Deemed to be) Universities

Analysis of Research Question 2 and 3 (Aligned with Objective 2 and 3)

The study reveals a gap between the expected goals of legal aid education and the actual situation on the ground. The framework highlights the relationship between legal aid efforts and various internal and external stakeholders as:

- **Institution 1:** Primarily engages in community service and legal awareness programs, with a limited focus on improving access to justice. Much of the work is done through NSS (National Service Scheme) activities, which means that legal aid is mostly treated as an extension activity rather than a core educational function. It is clear that the institution focuses on identifying community issues and passing them to the appropriate authorities, offering semi-legal support. While there is involvement from the judiciary, the role of legal practitioners is minimal. Students involved in legal aid activities at Institution 1 have developed skills like communication, ethical values and organizational ability.

However, these outcomes are incidental rather than structured. Overall, the institution is falling short in making legal aid a strong component of legal education.

- **Institution 2:** The main emphasis is on community awareness programs. The focus is on facilitating access to justice by acting as a bridge between the local community and professional lawyers. The role of Para Legal Volunteers (PLVs) is given due importance. Although ethical and social elements are addressed, there is little effort to develop soft skills like communication or leadership. The development of legal skills is minimal and mainly limited to preliminary research and legal analysis before conducting awareness sessions. Legal aid remains a secondary activity, with limited teaching involvement, though there is consistent support from the judiciary. Students face several limitations, as legal aid programs are run by students alone, and their progress is hindered by lack of institutional support, making it hard to expand their work despite a strong vision.
- **Institution 3:** Legal aid activities seem to lack innovation and continuity. The focus remains on conducting awareness camps without meaningful follow-up. These efforts, while well-intentioned, have limited impact, especially for students in their final year of undergraduate or postgraduate studies. Legal aid is mostly about reporting community problems to authorities with little direct engagement afterward. The institution does not have a formal legal aid clinic, which further reduces community contact after the camps are over.

Insights of Objective 4 and 5 (Related to Research Question 4/Objective 4)

This study, supported by historical development and empirical analysis, helps assess where institutions currently stand regarding legal aid education and their contribution to social justice. The framework of above instructions findings was crucial in evaluating the role of stakeholders, functions and outcomes of legal aid practices. The findings highlight how each institution has a different approach, with varying levels of engagement, structure and effectiveness. It also identifies barriers such as limited institutional support, over-reliance on students, and lack of integration with teaching and research which impact the success and sustainability of legal aid education.

Recommendations

To strengthen legal aid and community engagement in Ghaziabad district, a set of short-term and long-term goals are proposed. In the short term, legal aid initiatives should be aligned with the vision and mission of local law institutions. Legal aid and community service must be introduced as a learning tool, especially during the foundational years of legal education. Establishing a fully functional legal aid clinic in every institution in Ghaziabad, led by a dedicated faculty member or practicing advocates, and supported by alumni, the Bar, the judiciary, and the State Legal Services Authority, is essential. Faculty involved in these activities should receive formal training, with institutional support from bodies like BCI, NALSA and GSLSA. Their teaching load should be reduced to ensure they can focus on legal aid. A network of legal aid clinics should be created across Ghaziabad institutions to share best practices and organize joint workshops with legal professionals. A fixed budget should be allocated to each institution for legal aid work, with financial backing from the Legal Services Authority.

In the long term, legal aid must be formally integrated into the law curriculum, with the Bar Council of India (BCI) framing guidelines and assigning marks or grades for participation. Amendments to the Advocates Act are needed to allow law faculty to represent minor consumer matters and engage in limited practice. Legal aid clinics should be staffed with trained legal professionals, or "Clinicians", who can guide students and manage cases effectively, with regulatory support from the BCI. Furthermore, NAAC accreditation criteria should be revised to include legal aid activities as a core component, with increased weightage. Lastly, Public Interest Litigation (PIL) should be included in the legal curriculum through BCI regulations,

encouraging students in Ghaziabad and beyond to engage in impactful, socially relevant legal work.

Conclusion

Legal education in India has evolved to address societal needs, with legal aid emerging as a crucial component—ensuring justice for the poor and providing law students with practical experience. Despite early efforts by the Bar Council of India to integrate legal aid into curricula, most institutions have shown limited response. Globally, law is increasingly viewed as a public service. This paper recommends a structured framework for improvement and highlights effective legal aid clinics in the region. The Supreme Court has reinforced free legal aid as a constitutional right under Article 21, shifting it from charity to state obligation. In Ghaziabad, legal aid lawyers must maintain updated case records, monitored by a dedicated committee led by a Chairperson who oversees progress and guides actions. Enhancing legal aid in the district requires collaboration among institutions, statutory bodies, and professionals to ensure it serves both justice and education effectively.

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