

Case Study on
LEGAL AID CLINIC IN DR. RAM MANOHAR
LOHIYA NATIONAL LAW UNIVERSITY



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LEGAL AID CLINIC: DR. RAM MANOHAR LOHIYA NATIONAL LAW UNIVERSITY, LUCKNOW

ESTABLISHMENT OF THE COMMITTEE AND THE CLINIC

Access to justice is the biggest and most intrinsic problem faced by India today. Poverty, ignorance and inaccessibility to justice of vast majority of poor, downtrodden, neglected and exploited class pose a great threat to the very foundation of our constitution i.e. the goal of achieving a society based on the concept of justice. As an answer to these grievances, the students of Dr. Ram Manohar Lohiya National Law University established the Legal Aid Committee, RMLNLU. Legal Aid refers to the act of providing free legal services to people, who are unable to afford legal services by themselves. It is a right exercised by them under Article 39A of the Constitution of India.

The Legal Aid Committee of Dr. Ram Manohar Lohiya National Law University was inaugurated by Justice **Dr. Arijit Pasayat**, former Judge Supreme Court of India and Chairman of the SCLSC (Supreme Court Legal Services Committee) on 21st Feb, 2009. On 4th September 2015, the Legal Aid Committee established its Legal Aid Clinic to fulfill its commitment towards '*Access to Justice.*' enshrined in Article 39A of our constitution. The clinic was inaugurated by Hon'ble Justice Rakesh Tiwari, Former Hon'ble Patron-in-Chief, UPSLSA and Hon'ble Vice Chancellor Prof. (Dr.) Gurdip Singh. The Legal Aid Clinic is intended to provide legal relief easily accessible to the indigent and backward sections of our society. It works almost on the lines of primary health centres where a doctor and other auxiliary medical staff provide basic health care to the people. Like the doctors rendering health services to the people of the locality in the primary health centre, a legally aware individual manning the legal aid clinic provides legal services to the people. The thrust is on the basic legal services like legal advice and assisting in drafting of notices, replies, applications, petitions etc.

The Clinic of the University is at the gate of the University, thereby making it easy for people in locating it. The cases, entertained in the clinic, cover diverse areas like labour law, property law, family law etc. Since its inception, the committee and the clinic have remained quite active and have brought in new initiatives to provide legal services to the people, who

face some kind of difficulty. Presently, there are about 30 Para Legal Volunteers, who work under the guidance and supervision of the Faculty Members of the Legal Aid Committee, National Law University, Lucknow. The Para Legal Volunteers are selected by taking an objective test of 50 questions and they got inducted on the basis of merit. In order to augment the services rendered at the Legal Aid Clinic and to involve a large portion of the student body in working of the legal aid clinic, the Legal Aid Committee organised training sessions for students in which they got to learn the duties and ethics of a Para-Legal Volunteer. These sessions were conducted on the lines of training session conducted by the National Legal Service Authority/State Legal Service Authority. These sessions were presided over by faculty members and final year students. The closing session of the 1st PLV Training Session (21st Sep – 5th Oct 2015) was headed by Mr Tej Pratap Tiwari, Secretary, UPSLSA. Para Legal Volunteers routinely sit at this clinic from 6 P.M. to 8 P.M to help the poor and the needy. Till the present day, Clinic has worked towards the drafting of basic documents, corrections in Identity Cards, providing advice in matters of schemes and certain basic laws etc. On the successful completion of 1st year of establishment of the committee, it established its Advocates pool, which comprised of Alumni of the university, to guide and help the volunteers in fulfilling the objectives of the clinic.



[Legal Aid Clinic on the left side of the main gate of the college]

INITIATIVES AND EFFORTS PUT IN BY THE COMMITTEE

Social Awareness is the main objective of the preamble of LAC. In fulfilling this basic and quintessential aim, LAC has taken numerous steps by running awareness drives in the nearby areas of our college. Some of the steps taken by the committee have been enlisted below:

Nukkad Nataks

LAC has been organizing Nukka Nataks or Street Plays with the aim to create awareness amongst people regarding the socio-legal problems or issues that are prevalent in the society. However, the main focus or the main themes of these plays remain the issue concerning women and child rights. They are organised from time to time in and around the areas of Lucknow to make people understand the importance of raising their voice for any wrong happening in the society.

Awareness Sessions

The PLVs and members of Legal Aid Committee conducted an awareness session for the children of Swatantra Talim on 23rd August. The subject matter was CHILD LABOUR. The children were acquainted with the Law and were also made to talk to a representative of child line India Foundation, through a telephonic conversation on the 1098 helpline.



[Awareness session at Swatantra Talim]

Guest Lectures

Since LAC realises that students welcome the variety and they need a chance to meet with professionals to enhance their socio-legal awareness and concepts of a particular action so LAC has been organising guest lectures with a view to have an impact on students. The committee has also focused on sensitizing the university students towards Rights of weaker sections of society and role of law students. For example- *'Implementation of Right to Education in State of Uttar Pradesh'*, *'Criminal Trial and False Framing of Charges in Terror Cases: Gross Violation of Human Rights'*, *'Speak Up, It is Never Too Late Lecture on Human Trafficking and Sex trade'*, *'Social Justice and Public Interest Litigation'* etc.

RTI Drive

More than a law, RTI is a tool, a concept of removal of secrecy, a cultural approach to life. The committee with an aim to sensitize students about importance of RTI conducts RTI workshop and RTI Drafting competition for First Year Students of RMLNLU. In this year's RTI Workshop-cum-Guest Lecture, Prof. Madabhushanam Sridhar Acharyulu, Chief Information Commissioner and Mr. Arvind Bisht, Information Commissioner, U.P. addressed the students and shared their experiences.

Legal Aid Camps

Aiding the unaided being one of the main aims of the committee, from time to time legal aid camps in association with State Legal Service Authority, are conducted. The camp provides legal assistance to those people who have been deprived of justice due to their financial constraints. Recently one such camp was held at Banthara, near Lucknow, where at least 300 people were benefited through the legal-aid and social awareness. Maha Kumbh, Prayag 2013, was the largest legal aid camp organised by the committee. It was a rare combination of religion with law and proved to be a success by solving least 1000 cases. The committee also conducted Legal Aid camp in village of Behta, Lucknow. The volunteers helped in solving the matters related to Pension scheme of the Uttar Pradesh Government at the camp. The committee has proposed for a new camp in village Behta, near Amausi in Lucknow in the

first week of October, 2017. Recently, a legal aid camp was organised by the Amity Law College in collaboration with the Legal Aid Committee in Markhapur village, Lucknow.

Legal Aid Desk

Legal Aid Desks are set-up in the villages to provide legal aid and advice to the villagers. A desk was set-up by the committee in Behta Village to provide legal aid and advice to the villagers. Around 60 cases came at the help desk –

Nature of Matter	Total Number
Expert advice on Government schemes	20
Land Dispute	9
Matrimonial Dispute	4
Non-receipt of Rupees 1800/- Pension provided by government to senior citizens	8
Adhaar Card Related Issues (Adhaar card not received/ wrong address on Adhaar etc.)	7
Other	12

Literary Program

The Committee has targeted school students for creating awareness about legal rights and duties believing that an aware child would make an empowered citizen in future. For the said purposes the committee has collaborated with NGOs.

Swatantra Taleem is a Lucknow based NGO which works towards providing alternate education through innovative means and confidence building workshops for school going children of the under-privileged communities. The clinic conducts two activity based workshops every month on the following issues - Fundamental Rights and Duties, Right to Information, Child Labour, Child Sexual Abuse, Child Marriage and available legal remedies and help.

Chetna another NGO based in Lucknow runs various centers in slums for Right to Education of children. The committee has started conducting monthly workshops for three centers of Chetna in Lucknow- Neem Upvan Park and Kathauta Jheel, Chinhat, Tedhi Pulia and Swarup Chand Khera Basti on the above mentioned topics.

Since the inception of this academic year (2017-2018) committee members have conducted a total of 5 workshops, in collaboration with both the NGO's. In the workshops the children are also shown various animations so as to make them understand serious topics like Sexual Harassment.



[On August 19, 2017, a workshop on 'Child Sexual Abuse' was conducted by the committee at the Tedhi Pulia Centre of Chetna.]

Other Workshops

Lack of legal literacy is not limited to lower classes of the society. Middle class of the country or common man also largely remains unaware about basic legal provisions and his/her legal and political rights. Thus, Legal aid committee organises various other workshops from time to time. Recently, The Legal Aid Committee in association with the IDIA UP Chapter a conducted workshop at Chinhat Centre of Chetna, an NGO. IDIA UP chapter participated with LAC to conduct Preliminary survey for identifying students for their projects.

PROJECTS/ACTIVITIES UNDERTAKEN BY THE LEGAL AID CLINIC

1. Case Handling

The most important task of the legal aid clinic is to handle cases. Clinic is proud to have been involved in over 150 cases with matters varying from property, family, labour and even criminal. The members provide the clients with initial advice and then advance their files in order to provide them with lawyers if the client qualifies the criteria under section 12 of the NALSA act.

Details of couple of cases dealt by the clinic are here under:

- Varun Singh (Name changed for official reasons)

The client was one of the three partners in the partnership firm having Printing business. The client was an active partner who was paid a salary out of the profits and all the capital belonged to the other two partners. The business soon started making losses and the other two partners decided to sell the machinery again to the supplier. When the supplier denied the buyback, the other two partners decided to rope him in criminal proceedings. The other two partners filed a criminal case against one supplier Mr. Singh for selling defective machinery. In this criminal complaint filed under Section-420, I.P.C. even Mr. Varun (working partner) was roped in as an accused. The F.I.R. mentioned an allegation against the third partner that he had conspired with the supplier to commit fraud on other two partners.

There was nothing on record to show that the client knew the supplier. One of the major defenses of the client was that since his role was limited to the working of the business and the capital was managed by other two partners, he never had a reason to know the supplier. His case was that he was wrongly roped in. F.I.R. was perused by us and it was found that the allegations were baseless. It was decided by the Clinic to write to the investigating officer to present the case of the client. A team from the Clinic went to personally meet the Investigating Officer to discuss the matter and request him to carry out the investigation in a speedy manner. A written reply from the side of the client was drafted by the clinic and submitted to the Investigating Officer. Finally, the charge sheet was filed by the I.O. and fortunately the name of the client was dropped and charge sheet was filed only against the supplier.

- Poornima Singh (Name changed for official reasons)

The client Ms. Poornima Singh approached Legal Aid Clinic because a civil suit in which her mother (Ms. Kalavati Singh) was the plaintiff was pending since last 5 years and she was clueless about the developments that took place in the meantime. When we inquired into the case details, we found out that the person (Sunil Singh) who is the defendant in the suit had moved to the M.P. High Court in 2014, and the proceedings in the said suit have remained stayed since then. The trouble was that the High Court website did not show the exact stage on which the matter was and it was listed in "held up" cases. The clinic sent a letter to the Registrar, (Judicial) asking for the details of the case. The Clinic did not receive a reply but the website was found updated and the matter was shifted to "UPDATED". Interestingly, the court went on to pass a common conditional order in all cases where defects such as service of notice, etc. had not been cured. The Clinic prepared the documentation to ensure that client Poornima Singh becomes the authorized representative in the suit filed by her mother. Steps are currently underway to ensure that matter before High Court reaches its conclusion.

Apart from various own legal awareness schemes, the members of the legal aid clinic have been involved in initiatives of the State Legal Services Authority and District Legal Services Authority. A team from the clinic was fortunate enough to be part of the national Lok Adalat held at the Lucknow District court. The members observed the proceedings under the aegis of the DLSA.



[Team of volunteers who were a part of the national Lok Adalat held at the Lucknow District court.]

2. Prison Project

The Committee has started its 'Prison Project' with the objective of to assist the DLSA in identifying those cases that display a violation of the rights of the under-trial prisoners so as to provide legal assistance to them under any appropriate law as may deem fit to their case. The project also aims to account those cases that should be provided free legal aid by the Government of India under the relevant provisions of the NALSA Regulations. In furtherance of this goal, a four-member team will undertake weekly visits (every Saturday) to the District Jail and prepare a weekly report on the conditions of the under-trial prisoners witnessed therein and specifically provide a list of cases suggestive of the kind of legal assistance that may be proper to their case.

Committee will not only take help of District Legal Services Authority and UPSLSA but also approach NGO's and other organisations which are working in this field.



[Team of volunteers at the District Jail, Lucknow for the Prison Project]

3. Solving Issue Of Minimum Wages

The Legal Aid Clinic has successfully resolved the issue of non-payment of wages to certain labourers for the work related to gardening through process of mediation. In a second matter committee through process of mediation helped a labourer couple at a construction site to secure payment of their fair dues after being removed from the work. Moreover, efforts are being put in to teach people the method of filing RTIs and the use of it. The Committee has also advised people in filing appeals thereof.

4. Centre At a Slum

The clinic provided preliminary level field research facility to NGO Chetna for establishing a centre at a nearby slum *Swarup Chand Khera* for ensuring Right to Education to the children of the slum.

5. Educating Disadvantaged Students

The student's members of the legal aid clinic conduct teaching sessions for around 40 underprivileged children of all age groups. The children have been acquainted with their

fundamental rights, laws against child labour, consumer protection laws and many other legal aspects which have relevance in their day to day life.

6. Awareness Drives

The clinic has also conducted legal awareness drives in the Aashiana area. In a particular one, the members were divided into groups of two. A questionnaire was put forward to random people. The activity was conducted to gauge the legal quotient of common people and eventually help them understand some basic rights and laws. They were told the law and the modus operandi in case of being charged over MRP or refusal to get an FIR registered or helping victims in road accidents.

Another way to achieve our goal of developing legal awareness amongst masses is through social media. The clinic has a very active Facebook page which not only acts as a platform for publicizing our initiatives but also as an efficient way to help the people understand law through basic yet interesting posters and videos.

Apart from these successful drives of awareness, camps of issue resolution, and workshops, the committee has created social media presence for the same through YouTube channel. The channel is subscribed by over 1300 people and is nearing almost 1 lakh views. We try and publish videos to communicate the basics of law in the easiest and most effective manner. In order to further increase its reach, the legal aid clinic is making considerable efforts to engage national newspapers, radio channels and other mass media systems. The Committee has succeeded to convince 'Amar Ujala' a Hindi daily to start a bi-weekly column, through which short articles regarding general legal topics will be published. The committee in the long run aims to adopt a village and make it litigation free. To achieve this aim, 160 houses of Behta village were taken as sample survey population. The basic questions like- Is there a dispute pending? If yes, then what is its nature? Are they facing violation of any legal right on which they want to file suit?, Whether the person is eligible for legal aid under sec. 12 of NALSA? We also inquired whether they have required identity cards to avail benefits of government schemes, for example- Adhaar, Job card, Ration Card etc.

In addition, the Committee has been organizing the blood donation camp in the University for the last three years in collaboration with the NGO, Blood Connect and Sanjay Gandhi Postgraduate Institute of Medical Sciences, Lucknow. The 3rd Blood Donation Camp, which was held in August 2017, was a huge success with 107 students turning up to donate blood. 107 units of blood were collected implying that 107 lives can be saved.



[Blood Donation Camp organised by the Legal Aid Committee with the help of NGO, Blood Connect and Sanjay Gandhi Postgraduate Institute of Medical Sciences, Lucknow.]

Future events include the Stipend Based Internship Program in the month of May and June and that in Winter in the month of December. It will entail training students in the field of research, management and social assistance through the training program conducted by the PLVs. This internship program will include various tasks like taking surveys, writing research papers based on the obstacles encountered while choosing law.

DIFFICULTIES IN PROVIDING VOLUNTARY SERVICES

In dealing with the general public and solving their problems, LAC members and the Clinic's Para Legal Volunteers face numerous problems while doing voluntary work and some of which are mentioned in this case study. First, the training sessions for the PLVs are held; however, there is an irregularity in these sessions. Another problem faced by the committee members is that the efforts that they put in go unrecognized. There are no rewards for the students, who give their time and efforts in the same. State Legal Aid Authority and District Legal Aid Authority support the initiatives taken by the committee and the clinic but the support rendered is a limited one. There is no professional support from these Government

bodies, which makes the task of dispensing aid difficult. Despite these problems, the Legal Aid Committee and the Legal Aid Clinic are working incessantly and leaving no stone unturned in providing assistance and socio-legal awareness to the people in and around Lucknow.