

Clinical Legal Aid Clinics of Law Colleges for Human Rights and Dignity

Vibhor Gupta¹, Sachin Rastogi²

¹ PhD Law Scholar AIALS Amity University, Uttar Pradesh, India

² Professor, AIALS Amity University, Uttar Pradesh, India

Abstract

Clinical legal aid in law schools and universities should be taken seriously by universities because it provides a platform for resolving the problems of the oppressed, women, children, and other people in need of legal aid that also pertains to human rights. Legal Aid Clinics may be the most authentic source of the dissemination of information pertaining to human rights and human dignity, custodial deaths, torture, and IPR violations. The following topics will be discussed in this research paper: Appointment of Advocates in Law College Faculty for Management of College Legal Aid Clinics; Organization of Legal Aid Clinics in Villages and Jail Visits; Regular Visits of Students and Professors in Jails and Police Stations.

Keywords

Human Dignity, Human Rights, Legal aid clinics.

INTRODUCTION

Management of Legal aid clinics Legal aid clinics must be managed by those who have been practicing as an advocate be it litigation or non litigation. Legal aid clinic means

APPOINTMENT OF ADVOCATES IN LAW COLLEGE FACULTY FOR MANAGEMENT OF COLLEGE LEGAL AID CLINICS

Appointment of Faculty in Law Colleges

The Knowledge commission also recommended some strategies which needs be followed in letter and spirit for Recruiting and Retaining Talented Professors like improved salary and working conditions may be utilized as incentives to attract and retain skilled academics. In addition to other techniques of attracting and retaining competent faculty members, it may be vital to evaluate wage discrepancies within and between universities and law schools. Such pay discrepancies within and between universities and law schools may be helpful but not unreasonably large. This will help to maintain talent in the law academy, where the issue of inadequate pay is far more serious than in other areas. Salary differentials could be viewed as a retention tactic for top talent and promoting an excellence-oriented culture.

It is also vital to remove constraints on faculty opportunities in legal practise in order to boost quality and improve incentives (such as consultancy assignments and legal practise in courts). These reforms must be executed in a balanced, acceptable, and regulated manner in order to preserve enough faculty incentives while maintaining constant academic excellence. It is also necessary to strengthen academics' opportunities for active engagement in the development of national legal education policy.

According to an official, the University Grants Commission (UGC) is working on developing a strategy to implement a system under which professionals from relevant industries would be able to teach as either full-time or part-time faculty members in central institutions. It has also been suggested that the specialists will be qualified to teach in universities even if they do not have a doctorate or a NET qualification. The official said that there will be more specialised jobs like associate professor of practise and professor of practice. According to the official, those who have retired at the age of 60 will also be eligible for these positions and will be able to work until the age of 65. The proposal calls for experts who are willing to teach to be hired as full time or part time faculty members depending on what the needs of the university are. The official also said that those who have retired at the age of 60 will be able to work until the age of 65. This was one of the topics that was discussed on Thursday during the meeting between the chairman of the UGC and the vice-chancellors of the central institutions. The official said that the UGC would set up a committee to look into whether or not these steps could be taken, and that the committee would then report its findings. There are also plans to establish a website that will serve as a centralised location for individuals who are interested in applying to a university.

Recommendations of Law Commission

The 184th Report of Law Commission observed that the ceasing of the earlier system of Morning and evening Law Colleges, have created an impediment in the path of the practicing advocates taking up classes in the colleges but now because of the wrong policies of the executive such system has already been discontinued leading to the substitution of the otherwise litigation courses in the merely

academic courses. This has caused immense damage not only to the study of the law in the law colleges but also to the legal aid clinics of the colleges which needs to be revived immediately.

Recommendations of Knowledge Commission

The Knowledge commission also recommended some strategies which needs be followed in letter and spirit While discussing concerns related to knowledge concepts, the National Knowledge Commission acknowledges legal education as an essential component of professional education. The objective of legal education is to provide the justice-focused education necessary for the achievement of the values outlined in the Indian Constitution. In accordance with this vision, legal education must prepare legal professionals to play decisive leadership roles, not only as courtroom advocates, but also as academics, legislators, judges, policymakers, public officials, civil society activists, and private sector legal counsels, while upholding the highest standards of professional ethics and a spirit of public service. Legal education should also prepare professionals to face the new problems and aspects of internationalisation, where the nature, organisation, and practise of law are experiencing a paradigm shift. In addition, unique and innovative legal research is required to generate new legal knowledge and ideas that will assist in meeting these issues in a way consistent with the requirements of the nation and the ideals and purposes of our Constitution. As part of a consultative process, the National Knowledge Commission (NKC) established a Working Group of experts, comprised of eminent members of the Bar, the bench, and the academic community, under the leadership of Justice M. Jagannadha Rao, to recommend measures to improve the quality of legal education in India. Based on additional engagements with interested parties, NKC has proposed the following:

ORGANIZATION OF LEGAL AID CLINICS IN VILLAGES AND JAIL VISITS

The Professors, advocates and college students need regular visits in the villages and jails also wherein all the facts and grievances of the persons coming for legal assistance and aid, needs to be noted by the team of the clinical legal aid committee of the law college

AMENDMENTS IN UGC ACT REQUIRED

The UGC Act must be suitably amended and power to decide and adjudicate cases must be given to the Professors and Lecturers of the Law Colleges in the non cognizable and other trivial cases like cheque bounce cases, maintenance cases, arbitration and disputes of the Husband Wife cases to reduce the pendency of the courts. When the Advocates Act, 1961, was enacted, it was expected that legal education would only produce court lawyers; therefore, the BCI was assigned the limited role of "promoting legal education and establishing basic criteria" for "eligible to practise" students. Since 1991, when legal education was liberalised, the entire

paradigm has changed. In light of the profession's expanding internationalisation, legal education must meet not only Bar requirements but also the needs of trade, business, and industry. From this perspective, the need to improve quality to match global standards becomes clearer. Given the changes over the past 50 years and the quality gaps and shortcomings, it's clear that the BCI lacks both the authority under the Advocates Act of 1961 and the knowledge to confront new domestic and international issues. To handle all aspects of legal education and satisfy future needs, a new regulatory framework with social and international aims is needed. The BCI will keep recommending minimal courtroom requirements. BCI would retain disciplinary authority over Bar members.

Regular Visits of Students and Professors in Courts and Police Stations

Visit to courts

Court visit must be an essential part college system of the course curriculum because because divorcing the law colleges and the courts have proved very disastrous to the study of law as a clinical course.

Visit to Police Stations

It should be mandatory for the college Professors and students to observe very keenly the legal manner of the working of the Police Stations and must silently observe the atrocities if any noticed in the Police stations and officials so these students must understand firsthand the actual way in which the system at the grass root level is working. The working of the cameras must be observed in compliance of the Supreme Court Judgment.

VETTING OF LLB CURRICULUM

Coursework Modernize and integrate the curriculum to ensure continual stakeholder feedback. Universities, NLSUs, and other legal schools may provide core and elective courses independently. This is a change from the current arrangement, where the BCI sets curricula and syllabi. A committee of academics and practitioners should discuss the curriculum, syllabi, and reading material of all mandatory and elective courses and establish a "model" syllabus. Universities and law schools could diverge from the "model" curriculum.

International and comparative law, as well as modern legal concerns, must be taught. Interdisciplinary social science and scientific knowledge must underpin courses and syllabi. Expanding elective courses; creating a deeper understanding of professional ethics; updating clinic courses; integrating legal assistance programs; and establishing unique pedagogical strategies should be part of curriculum growth. Legal education must also address social justice issues.

AIM OF LAW COLLEGE'S CLINICAL PROGRAMMES AND UDHR

The Law School's clinical programmes aim to teach students effective advocacy skills, professional ethics, and the impact of legal institutions on the poor; to examine and apply legal theory while advocating for those who are denied access to justice; and to reform legal education and the legal system to be more responsive to the interests of the poor. Law College's Clinic provides aid. Under full-time clinical faculty supervision, students do all work. The curriculum includes interviewing clients, investigating facts, negotiating on their behalf, establishing contracts and laws, and participating in judicial and administrative actions. The Clinic also strives to familiarize students with professional responsibilities and low-income clients' particular needs. Students are encouraged to find legal solutions for reoccurring problems through new legislation, improvements in government services and benefits, community-based groups and bar associations' reform projects, test cases, and other law reform litigation. The Universal Declaration of Human Rights (UDHR) is a landmark declaration in human rights history. The Declaration, which was drafted by representatives with diverse legal and cultural backgrounds from all regions of the world, was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 (General Assembly resolution 217 A) as a common achievement standard for all peoples and nations. It defines for the first time universally guaranteed fundamental human rights and has been translated into over 500 languages. It is widely acknowledged that the UDHR inspired and prepared the way for the passage of more than seventy human rights accords, which are now in effect at permanent global and regional levels (all containing references to it in their preambles).

Preamble to UDHR must be displayed in Legal Aid Clinics.

- 1) Inasmuch as the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the cornerstone of global liberty, justice, and peace,
- 2) Inasmuch as disregard and contempt for human rights have resulted in barbaric acts that have outraged the conscience of humanity, and the emergence of a world in which human beings enjoy freedom of speech, freedom of belief, and freedom from fear and want has been proclaimed to be the highest aspiration of the common people, we, the undersigned, declare:
- 3) Human rights must be maintained by the rule of law if man is to be prevented from resorting to revolt as a last resort against tyranny and injustice.
- 4) While it is crucial to foster the growth of amicable ties between states,
- 5) Whereas the peoples of the United Nations have reaffirmed their belief in fundamental human rights, the dignity and worth of the human person, and the equal rights of men and women in the United Nations Charter,

and have resolved to promote social progress and higher living standards in greater freedom.

- 6) Member States have committed to achieving, in cooperation with the United Nations, the universal promotion of respect for and observance of human rights and fundamental freedoms;

Due to the fact that a common understanding of these rights and freedoms is crucial for the full realisation of this commitment, the General Assembly proclaims this Universal Declaration of Human Rights as a standard of achievement for all peoples and nations, so that every individual and every organ of society, keeping this Declaration in mind at all times, shall strive through teaching and education to promote respect for these rights and freedoms.

CONCLUSION

Clinical legal assistance in law schools and universities should be taken seriously by universities since it provides a platform for resolving the human rights-related problems of the oppressed, women, children, and others in need of legal aid. Clinical legal aid at law schools and colleges should be taken seriously by universities. There is a chance that legal aid clinics are the most reliable place to get information about human rights and human dignity, deaths in custody, torture, and intellectual property rights violations.

REFERENCE

- [1] "Knowledge Commission - Sam Pitroda." <https://www.sampitroda.com/knowledge-commission>. Accessed 14 Jun. 2022.
- [2] Press Trust of India, and @bsindia. UGC Planning to Introduce System for Industry Experts to Teach as Faculty. www.business-standard.com, 13 Mar. 2022, https://www.business-standard.com/article/education/ugc-planning-to-introduce-system-for-industry-experts-to-teach-as-faculty-122031201121_1.html.
- [3] "Law Commission of India." 28 Aug. 2020, <https://lawcommissionofindia.nic.in/>. Accessed 14 Jun. 2022.
- [4] "Edwin F. Mandel Legal Aid Clinic | University of Chicago Law School." <https://www.law.uchicago.edu/clinics/mandel>. Accessed 14 Jun. 2022.
- [5] "Universal Declaration of Human Rights - the United Nations." <https://www.un.org/en/about-us/universal-declaration-of-human-rights>. Accessed 14 Jun. 2022.