

ENHANCING GOOD GOVERNANCE IN INDIA: LAW SCHOOLS AND COMMUNITY-UNIVERSITY ENGAGEMENT

JANE SCHUKOSKE* & ROOPALI ADLAKHA**

Law school clinical programmes can help alleviate poverty and injustice by improving the delivery of entitlements to meet basic needs in disadvantaged communities. Law schools, as other higher educational institutions, have the responsibility of contributing to social development and social and economic justice. Regulations of the National Legal Services Authority provide specific authority for law schools to involve students in local legal aid clinics. Community-based legal services and research serve the dual objectives of prompting students to learn and apply their talents to relevant social problems and to strengthen efforts to accelerate systematic poverty alleviation in India. The global “knowledge mobilization” movement holds lessons for its Indian counterpart, “community university engagement.” The authors examine these movements and advocate that the tool of community-university engagement be widely adopted to fulfill both the educational and societal development objectives of law schools and other institutions of higher education in India. They conclude with recommendations to incentivize universities to engage in such legal services and research.

I. INTRODUCTION

In India, where a large section of the population faces glaring difficulties of poverty, illiteracy, hunger, and lack of basic amenities on a daily basis, ‘good governance’ assumes especially great

* CEO, S.M. Sehgal Foundation, a charitable trust which supports the Institute of Rural Research and Development (IRRAD). IRRAD works primarily in villages of Mewat District, Haryana, and Alwar District, Rajasthan on water management, agricultural income enhancement and good governance; its Rural Research Center conducts impact assessments and other evidence-based studies.

** Third Year Student at the WB National University of Judicial Sciences, Kolkata.

importance. Though many rural poverty-alleviation schemes and policies exist, the resources allocated under these often do not reach the intended beneficiaries. Lack of accountability and transparency by officials and lack of effective citizen participation in governance are cited as two of the main reasons for this disconnect between the written law and the reality.¹ Since law promises justice and fairness to all, the legal community, including law faculty and students, bears a professional responsibility to address this disconnect.²

Law schools in India should play an important role in improving the delivery of entitlements to disadvantaged people, particularly in rural India. Bar Council of India regulations require law schools to provide students with practical training and to operate legal aid clinics. A pedagogy called “Clinical Legal Education”, often explained as ‘learning through doing’³, is a method for law teachers and students to learn, as well as empower others, from researching and explaining the law’s requirements and mechanisms for securing entitlements to basic necessities. However, a recent seven-state study revealed that the performance of most of those states’ law school legal aid clinics in providing paralegal services, legal advice and law reform is unsatisfactory. On the other hand, there are law schools which are engaged in model practices of work on good rural governance, legal literacy efforts and village ‘adoption’.⁴

Clinical legal education can be understood as part of a broader movement of ‘community-university engagement’⁵. This engagement

¹ Ajay Pandey, *Experimenting with Clinical Legal Education to Address the Disconnect Between the Larger Promise of Law and its grassroots reality in India*, 26 MARYLAND J. INT’L LAW 135,140 (2011).

² *Id.* at 139.

³ N. R. MADHAVA MENON, A HANDBOOK ON CLINICAL LEGAL EDUCATION 10 (1998).

⁴ Government of India and United Nations Development Programme, *Access to Justice for Marginalized People: A Study of Law School-Based Legal Service Clinics (2011)*, http://www.in.undp.org/content/dam/india/docs/a_study_of_law_school_based_legal_services_clinics.pdf. (last visited Aug 6, 2012).

⁵ See Higher Education Collaboratives for Community Engagement and Improvement: 22-27 (Penny A. Pasque, Ryan E. Smerek, Brighid Dwyer, Nick

occurs when students and faculty interact with communities, particularly those within reach of the institution, on topics of mutual interest. In the interaction, students/faculty learns from and respects the communities, explore their strengths and resources, gear communications so as to promote understanding and participation, and self-reflect. Communities set the agenda for their own development. Collaboration is the key.

Part II of this paper discusses the legal provisions in India that mandate free legal services to disadvantaged persons and the establishing legislations of law schools and universities that state the societal objectives of such institutions. To effectuate the policies underlying these laws, Indian academics must engage with communities. Part III features law school initiatives that promote 'good governance' in terms of proper implementation of poverty alleviation schemes through the activities of their legal aid cells and that help increase access to justice for marginalized communities. Part IV analyses the concept of knowledge mobilization, the two-way benefits of community-university engagement, and the relationship to good governance programs. Part V identifies challenges to acceleration of community-university engagement in India and makes recommendations to address them.

II. LEGAL BASIS OF FREE LEGAL AID AND OF COMMUNITY-UNIVERSITY ENGAGEMENT

In this part we discuss the constitutional and statutory basis of the right of an individual to free legal services and explore the statutory objectives of select Indian universities and law schools. In analyzing

Bowman, and Bruce L. Mallory eds., 2005), *available at* http://www.thenationalforum.org/Docs/PDF/Wingspread_05_Final_Monograph.pdf (last visited on July 25, 2012); *see also*, Sonali Mukherjee and Rajesh Tandon, *Re-building Community-University Partnerships: Major Challenges in the Global South*, RHIZOME FREIREAN (2011), <http://www.rizoma-freireano.org/index.php/re-building-community-university-partnerships-major-challenges-in-the-global-south—sonali-mukherjee-rajesh-tdon> (last visited Aug, 25, 2012); Global Alliance on Community-Engaged Research, <http://communityresearchcanada.ca/?action=alliance> (last visited Sep 06, 2012).

the societal objectives of establishing higher educational institutions, we find that community engagement through programmes providing legal awareness and other legal aid services help attain these aims.

A. FREE LEGAL AID IN INDIA: CONSTITUTIONAL AND STATUTORY FOUNDATIONS

In the Indian legal system, the right to free legal aid for the disadvantaged is grounded in the constitution and certain statutes. Though the express article conferring this right was inserted in the constitution only in 1976⁶, the intention of the Constituent Assembly was implied in the Preamble wherein the Constituent Assembly envisaged to secure “to all its citizens, social, economic and political justice, liberty and equality of status and opportunity”. Article 39A, a Directive Principle of State Policy which is central to the idea of India as envisioned by the Assembly, has been observed to be a “beacon of light” for justice based on equal opportunity.⁷ For all citizens to enjoy justice, liberty and equality, the disadvantaged members of society require legal aid. Though a Directive Principle is not binding by itself, the right to free legal aid in criminal cases, through constitutional interpretation in case law, has become a right vested in a person and a state has to provide counsel regardless of whether an indigent accused applies for the same or not.⁸

Provisions for rights to equality and life⁹ in the Constitution have also been interpreted to embrace this constitutional intention to include the right to free legal aid.¹⁰ In *Hussainara Khatoon v. State of*

⁶ Forty Second Amendment Act, 1976 inserted Article 39A in the Constitution which states that, “Equal justice and Free legal aid: The state shall secure that the operation of the legal system promotes justice, on the 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 by reason of economic or other disabilities”.

⁷ *Air India Statutory Corporation v. United Labour Union*, A.I.R. 1997 S.C. 645.

⁸ *Suk Das v. Union Territory of Arunachal Pradesh*, A.I.R. 1986 S.C. 991.

⁹ INDIA CONST., art. 14 and 21.

¹⁰ D. D. BASU, COMMENTARY ON THE CONSTITUTION OF INDIA 4097 (8th ed., 2008)

Bihar in the context of the right of a criminal accused to representation in a criminal case, the apex court of the country observed that, “legal aid is nothing else but equal justice in action. Legal aid is in fact the delivery system of social justice”¹¹. The right to free legal aid has been further enshrined in national legislation, the National Legal Services Authorities Act, 1987(hereinafter “the Act”)¹². The Act establishes legal services authorities at national, state, district and taluq levels.¹³ These legal services authorities have been tasked with the duty of ensuring provision of free legal services for economically and socially vulnerable sections of the society. The National Legal Services Authority (hereinafter ‘NALSA’), established under the Act, gazetted the Legal Aid Clinics Regulations, 2011(hereinafter ‘NALSA Regulations, 2011’) which further mandate every law school/faculty to establish a legal aid clinic in collaboration with the District Legal Services Authority (hereinafter ‘DLSA’).

The Act defines ‘legal service’ to “include the rendering of any service in the conduct of any case or other proceeding before any court or other authority or tribunal and the giving of advice on any matter.”¹⁴ This broad definition of legal service that clearly includes assistance with civil cases, statutory entitlements, and other social and economic issues is further illustrated in the NALSA Regulations,

(The author observes that, “citing the preamble’s pledges and Art.14’s assurance of equality before law and equal protection of the law, the commission said that, “in so far as a person is unable to obtain access to a court of law for having his wrongs redressed, or for defending himself against a criminal charge, justice becomes unequal and laws are meant for... (the poor man’s) protection have no meaning legal aid should be available for all and not be confined to those “normally closed” as poor. Those unable to pay should get free aid; others would pay on a graduated scale.”).

¹¹ *Hussainara Khatoun v. State of Bihar*, A.I.R. 1979 S.C. 1377, ¶¶ 6-7 (it was also held that if a person is unable to engage a lawyer due to his financial position or similar circumstances, and the state does not offer free legal aid for his defense, the trial would be vitiated. Such is the importance associated with this right).

¹² National Legal Services Authorities Act, 39 of 1987.

¹³ *Id.* §§ 3, 6, 9 and 11A.

¹⁴ *Id.* §2(c).

2011, which refer to alternative dispute resolution and “basic legal services to the villagers with the assistance of Para-Legal Volunteers or Lawyers on the lines of a primary health care centre providing basic health services to the people of the locality and includes the legal aid clinic run by the law colleges and law universities.”¹⁵

The NALSA Regulations, 2011, require the State Legal Services Authority to promote the activities of the Clinic and support their ventures through technical assistance. Final year students are allowed to “render legal services in such legal aid clinics”¹⁶. Such practical exposure has the potential to benefit both the students and the community through the work done by these clinics. Activities of a clinic usually include “advising live clients, conducting legal literacy camps, preparation of legal literacy materials, filling of necessary applications before administrative agencies for securing benefits under various schemes of the government”¹⁷, and, with the provision of actual litigation by final year students by way of the 2011 Regulations, a new dimension to the potential role of a clinic in India.¹⁸

The policy reasons for boosting assistance to the legal services authority system through law school clinics are discussed below.

B. INSTITUTIONAL MANDATES FOR COMMUNITY-UNIVERSITY ENGAGEMENT

Various legal instruments require university and law school involvement in community engagement activities. In order to understand why, one must analyze the objectives of establishing institutions of higher education.

Statutes establishing some of the premier law schools in the country explicitly state their objectives as to include the generation and

¹⁵ National Legal Services Authority (Legal Aid Clinics) Regulations 2011 (10 August 2011), § 2(c).

¹⁶ *Id.* regulation 24(4).

¹⁷ Ved Kumari, *Legal Aid Clinics in Law Schools: Ensuring Sustainability and Professionalism*, in *LEGAL AID: CATALYST FOR SOCIAL CHANGE* 95,102-111 (2012).

¹⁸ *Id.*

dissemination of knowledge and to develop in students a ‘sense of responsibility to serve society’.¹⁹ These also aim at achieving the broader goal of ‘social and economic justice’ and ‘social development’ by spreading legal awareness and developing in students the skills to analyze and present contemporary social issues.²⁰ Similarly, central and state enabling legislations for other universities such as the University of Allahabad (Central Act) and Maharashtra University (State Act) aim at applying the knowledge they impart towards the goal of social

¹⁹ See, e.g., The National Law School of India Act, 1986, Act of 22 of 1986, §§4(1) and 5(ii) (The Objects of the School shall be to advance and disseminate learning and knowledge of law and legal processes and their role in national development, to develop in the student and research scholar a sense of responsibility to serve society in the field of law by developing skills in regard to advocacy, legal services, legislation, law reforms and the like, to organize lectures, seminars, symposia and conferences to promote legal knowledge and to make law and legal processes efficient instruments of social development, to hold examinations and confer degrees and other academic distinctions and to do all such things as are incidental, necessary or conducive to the attainment of all or any of the objects of the School.” And “to provide for instruction in such branches of knowledge or learning pertaining to law, as the School may think fit and to make provision for research and -for the advancement and dissemination of knowledge of law) (Emphasis added); see also Gujarat National Law University Act, 2003, Gujarat Act No. 9 of 2003, National Law University, 2007, Delhi Act no. 1 of 2008, § 5; National University of Advanced Legal Studies, Kochi Act, Act 27 of 2005, § 4; and Rajiv Gandhi National University of Law Punjab Act, Punjab Act No. 12 of 2006, § 4.

²⁰ See, e.g., The National Academy of Legal Studies and Research University Act, 1998, Andhra Pradesh Act no. 34 of 1998 (It states “Objects of the University... (v) to improve the ability to *analyze and present for the benefit of the public contemporary issues of public concern and their legal implications*... (ix) to promote legal awareness in the community for *achieving social and economic justice*); see also West Bengal National University of Juridical Sciences Act, 1999, West Bengal Act no. 9 of 1999, § 4, (Similar objectives have been set under this act which include “to advance and *disseminate learning and knowledge of law and legal processes and their role in national development*; to develop in the student and research scholar a *sense of responsibility to serve society* in the field of law by developing skills with regard to advocacy, legal service, legislation, law reforms and the like;... to promote legal knowledge and to make law and the legal process *efficient instruments of social development*; to promote inter-disciplinary study of law in relation to management, technology, international cooperation and development.) (Emphasis added).

advancement and human welfare.²¹ It is clear that in India, higher education is mandated to be a “powerful instrument for social, economic and political change (with functions) related to long-term national aspirations (and) programmes of national development”.²²

A strong case for universities to take into account social and cultural needs and to promote social justice has also been made in the international community. The World Declaration on Higher Education for the Twenty First Century categorically states that higher education programmes should be designed to cater to the social and cultural aims and needs in the long run.²³ It also requires the universities to “identify and address issues that affect the well-being of communities and global society”.²⁴

²¹ See The University of Allahabad Act, 2005, Act No. 26 of 2005, § 6 (it states that, “Objects of University.-The objects of the University shall be to disseminate and advance knowledge by providing instructional and research facilities in such branches of learning as it may deem fit; to make provisions for integrated courses in the humanities, the social sciences, the basic and applied science and technology in the educational programmes of the University; to take appropriate measures for promoting innovations in teaching-learning process, inter-disciplinary and professional studies and research, removal of gender disparities and the digital divide, and the application of knowledge to social advancement, national progress and human welfare; and to educate and train human resource for the development of the country.); see also Maharashtra University Act, 1994§ 4(4) (This act also lays down that the object of the universities is to “to promote freedom, secularism, equality and social justice as enshrined in the Constitution of India and to be *catalyst in socio-economic transformation by promoting basic attitudes and values of essence to national development*) (Emphasis added).

²² See generally, *Report of the Education Commission (Government of India), 1966*, in K.B. POWAR, INDIAN HIGHER EDUCATION REVISITED: CONTINUING CONCERNS AND EMERGING ISSUES 11 (1st ed., 2011).

²³ *World Declaration on Higher Education for Twenty-First Century: Vision and Action* (Oct. 9, 1998), art. 5(a), http://www.unesco.org/education/educprog/wche/declaration_eng.htm (it states, “The advancement of knowledge through research is an essential function of all systems of higher education, which should promote postgraduate studies. Innovation, interdisciplinary and transdisciplinarity should be *promoted and reinforced in programmes with long-term orientations on social and cultural aims and needs.*”) (Emphasis added).

²⁴ *Id.* art. 2(f).

In order to fulfill the objectives of universities in promoting social justice and addressing social, economic and political issues, it is essential for faculty and students to interact with the concerned community.²⁵ As one author summed up the point, “[W]hen institutions of higher learning give very high priority to actively solving strategic, real-world problems in and with communities, a much greater likelihood exists that they will effectively contribute to these communities, effectively educate their students for democratic citizenship, develop the knowledge for democratic society and significantly advance the public good.”²⁶ As will be discussed in greater detail in the next part of the paper, direct engagement of universities with communities also helps faculty and students tap the already existing knowledge within these communities.²⁷ Communities are often repositories of traditional knowledge that has great value for academic and practical purposes.²⁸

There are efforts in India to encourage engagement between universities and communities. A sub-committee formed by the Planning Commission of India in 2011 to strengthen community engagement by higher education institutions has recommended initiatives to boost community engagement through networking, funding and policy change, and to establish institutions that would primarily “engage community-based knowledge”.²⁹

K. V. Raman, a distinguished agricultural scientist, made similar observations with regards to the agricultural universities in

²⁵ *Id.* cl. 1(f) (it categorically states that states should, “develop innovative schemes of collaboration between institutions of higher education and different sectors of society to ensure that higher education and research programmes effectively contribute to local, regional and national development”).

²⁶ Pasque, *supra* note 5.

²⁷ Rajesh Tandon & Budd Hall, *UNESCO Chair on Community Based Research and Social Responsibility in Higher Education, A Framework for Action: 2012-2016*, available at <http://www.livingknowledge.org/livingknowledge/wp-content/uploads/2012/09/UNESCO-Chair-on-Framework-for-action.pdf>.

²⁸ *Id.*

²⁹ *Report of the Subcommittee on Community Engagement*, Planning Commission, GOVERNMENT OF INDIA (2011).

India over a decade ago.³⁰ He argued that universities can play a pivotal role in rural development programmes by using their research and by 'penetrating insights and experiences it has acquired'.³¹ This helps to promote social justice, which is, as we saw above, an important objective of establishing many higher education institutions.

Understanding disadvantaged people and the survival issues that they face on a daily basis are central to the process of learning about India's strengths and problems. Faculty and students must interact with the community to collect relevant data and information that will further be instrumental in working with communities to build effective solutions. It is clear that the tool of community-university engagement is indispensable to fulfill both the educational and societal development objectives of institutions of higher education.

In addition to the national social development aims of legal education as envisaged in legislations establishing law schools, there are practical reasons for involving law students in applied legal work relevant to the country. The Bar Council of India Legal Education Rules, 2008 (BCI Rules, 2008) mandate every law school seeking recognition to have facilities for imparting practical legal education. These include a Legal Aid Clinic, Court training and Moot Court exercises.³²

From study of the legislation establishing India's legal education institutions, it is clear that law schools and universities engage with communities not only as voluntary service but are actually mandated to do so. We examine the implementation of this mandate by selected law schools in the next part of this article.

As discussed above, NALSA regulations authorize law students to bridge the gap between the Legal Services Authorities

³⁰ K. V. Raman, *Role of Agricultural Universities in Rural Development- Indian Scenario*, Regional Meeting on the Role of Universities for Rural Development 94-98 (BEIJING, 14-17 Sep 1998).

³¹ *Id.*

³² Bar Council of India Legal Education Rules, 2008, rule 18(1)(iii).

and the eligible communities.³³ In addition to providing individual client assistance, law schools can enhance legal awareness through legal aid camps, through dissemination of legal materials in local language, and by working with communities on citizen and village institution capacity building and on village needs assessment. Law schools can play a pivotal role in evaluating the impact of various governmental schemes and policies such as Public Distribution System and Sarva Shiksha Abhiyaan among others.³⁴

III. LAW SCHOOL AND COMMUNITY GOVERNANCE PROJECTS

As noted above, the Bar Council of India Legal Education Rules, 2008 (BCI Rules, 2008) mandate every law school seeking recognition to have facilities for imparting practical legal education, including legal aid clinics.³⁵ In legal aid clinics, law students work in and for communities, both learning from the factual investigation of problems and research of applicable law and procedures. A faculty supervisor helps students reflect on their learning and safeguards the interests of the community/clients.

Student-run and faculty-supervised legal aid/ legal service clinics³⁶ operate in most of the major law schools in the country to

³³ See also, *Making Legal Empowerment and Legal Aid more Effective: Interventions through the Project on Access to Justice for Marginalized People*, A Workshop organized by Department of Justice (Ministry of Law and Justice, Government of India) and the United Nations Development Programmed in collaboration with NALSA (NEW DELHI, Dec 14, 2009), available at <http://lawmin.nic.in/doj/justice/undp/WorkshopReport.pdf>.

³⁴ Law students volunteering with IRRAD compared the legal requirements on anganwadi (public day care center) operation with the ground realities at three anganwadi centers. This analysis of discrepancies was practically helpful in terms of seeking improvement and educationally valuable to the students in learning how to understand the village context and elicit relevant facts. Additional examples are provided in Part III of this article.

³⁵ *Supra* note 32.

³⁶ National Legal Services Authority (Legal Aid Clinics) Scheme, 2010; National Legal Services Authority, *National Legal Services Authority (Legal Aid Clinics) Scheme, 2010*, available at, <http://legalservices.maharashtra.gov.in/Links/scheme/>

provide pro bono legal services to the socially and economically backward people who face difficulty in tackling legal and other similar issues concerning the state. The services provided include dispute resolution by panels comprising of students and faculty; pro bono litigation; and awareness campaigns. These legal aid cells proactively spread awareness about rights and legal recourse available in case of their infringement. These programs empower citizens to access their legal rights and entitlements and thus can be viewed as “good governance” programs. Selected examples below highlight the nature of work of these legal aid cells and utility of their activities both for the universities and various stakeholders in the community.

A. “GOOD GOVERNANCE NOW” INITIATIVE

The Institute of Rural Research and Development (IRRAD) partners with rural communities and the Jindal Global Law School Clinical Law Programme on the “Good Governance Now” initiative.³⁷ The objective of this good governance initiative is to help villagers to effectively participate in democracy to secure the benefits to which they are entitled by law. IRRAD provides training that covers government benefits and the right to information law. It selects individuals for training based on their experience, understanding and ability to retain information and their willingness to learn and work for their respective villages. Trainees carry the information to others in their home villages. Some individuals are further trained to serve as master trainers for the next group. In addition to receiving instruction one day per week for 24 weeks, trainees ‘learn by doing’. They contrast the promise of law with the reality in their villages that lack safe drinking water, food, sanitation, drainage, health services and effective

scheme_clinics.pdf (last visited Sep 2, 2012) (The introduction of the scheme states that Legal Aid Clinics “are almost on the lines of primary health centres where a doctor and other auxiliary medical staff provide basic health care to the people situated in village areas affected with poverty and social squalor... The thrust is on the basic legal services like legal advice and assisting in drafting of notices, replies, applications, petitions etc.”).

³⁷ Pandey, *supra* note 1, at 153.

schools. Trainees learn how to monitor scheme implementation and voice concerns to the government. Local IRRAD staff trained as 'governance guides' help trainees apply for benefits and ask questions about delay and denial. When officials do not respond, trainees invoke the right to information law to find out the answers.

To conduct the governance training in district Mewat, Haryana, IRRAD staff has worked with students and their teachers from Jindal Global Law School in Sonipat, Haryana. The NGO field staff knows the communities and their local language and culture. Students have prepared community legal education materials, conducted research and helped people write letters to government offices. In the process, students learn about abject rural poverty and develop a sense of civic responsibility. By August 2012, the initiative had reached people in almost all of the 431 villages in Mewat.

Jindal Global Law School Professor and IRRAD advisor Ajay Pandey, who started the Good Governance Now initiative, launched a Citizen Participation Clinic at Jindal in 2012 in conjunction with communities served by the NGO Navjyoti in Gurgaon, Haryana.³⁸ Law students in the clinic attend community meetings (*sabhas*) to hear the issues raised by the community, and accordingly prepare legal literacy materials, Right to Information Act applications, letters to government offices for citizens to communicate their lack of access to entitlements and advocacy before government officials and agencies.³⁹ The NGO-law school clinic collaboration provides a stable support for the

³⁸ Cornell International Human Rights Clinic and Jindal Good Governance and Citizen Participation Clinic, *Promoting Clinical Legal Education in India: A Case Study of the Citizen Participation Clinic* (2012), www.jgls.edu.in/.../REPORTONCLINICALLEGALEDUCATIO.pdf (last visited Aug 12, 2012) (Jointly taught classes of Cornell and Jindal law students, held weekly by videoconference between January and April 2012, focused on clinical legal education, simulation activities and discussion of the clinical work of the students. In March 2012, Cornell students traveled to India to study the Jindal clinic in person. The joint class was called the Cross-National Rural Governance and Human Rights Clinic).

³⁹ *Id.* at 15-21.

community work. Understanding that law students participate in the clinic for a limited amount of time, Navjyoti employees “provide constant, ongoing assistance to a community...the NGO can follow up on work during semester breaks and exam periods.”⁴⁰

B. NATIONAL LAW SCHOOLS’ INITIATIVES

Various National Law Schools have legal aid cells that work on projects aimed at making the laws responsive to the needs of the people. The Legal Services Clinic at National Law School of India University (NLSIU) undertakes several activities, including the unique Participatory Law Making (PLM) Project “to bridge the gap between common man and the law-making process”.⁴¹ In conjunction with lawyers of the Karnataka State Legal Services Authority, students analyze pending statutory bills, draft questionnaires to present to the public to collect stakeholder views about the bills, and make recommendations to the Government. Similarly, NALSAR too has a Legal Aid Cell⁴² through which the students become involved in several community projects. Through the Teach India Project, students educate children in villages near the law school. The Rehabilitation and Conciliation Centre facilitates access to government programmes designed to support resettlement of people whose land has been acquired. The Conciliation Centre aids those with disputes concerning property rights. The cell has also undertaken a Prison Reforms initiative that spreads awareness about the rights of prison inmates and ensures that due process of law is followed while they serve their sentence in prison. The Legal Aid Cell also aids people in ensuring implementation of state-level schemes and policies.⁴³

⁴⁰ *Id.* at 22.

⁴¹ About Us, Legal Services Clinic, NLSIU, http://www.nls-lsc.org/about_us.php.

⁴² Details of programs carried out by NALSAR Legal Aid Cell, <http://www.nalsar.ac.in/Legal%20Aid%20Cell/programs.htm>.

⁴³ The schemes being referred are those of the Andhra Pradesh government and they deal with matters related to housing, micro financing, and health care amongst others.

Increasing Diversity by Increasing Access (IDIA)⁴⁴ is an initiative that aims at sensitizing economically underprivileged classes of children to law as a career option. In doing so, the programme necessarily presents law as a tool to remedy many social problems. Thus it encourages people often left out of the legal system to participate in using legal means to ensure better governance. The concept was conceived by Prof. Shamnad Basheer of West Bengal National University of Juridical Sciences (NUJS), Kolkata. IDIA not only sensitizes the lesser privileged to the potential of law but also trains interested candidates for the Common Law Admission Test and admission to National Law Universities. IDIA thus serves as a mechanism for bringing greater diversification into the legal profession, so that more people can effectively express their legal needs. The Project also seeks to make it possible for them to accommodate in the atmosphere of national law schools and to provide assistance throughout their law school life. This project has now reached out in different parts of the country and has been instrumental in assisting some under privileged students to gain admission in premier law schools in the country.

Also, the NUJS Legal Aid Society (LAS)⁴⁵ has a joint venture with Commonwealth Human Rights Initiative (CHRI) called Shadhinota in which prison inmates are legally empowered by Legal Aid Camps and weekly clinics. This initiative has garnered support from the West Bengal State Legal Services Authority (WBSLSA). LAS and CHRI hold legal counseling sessions and also refer urgent cases to WBSLSA. Students record the details and arguments of the inmates' cases and follow up on their progress in court. NUJS has also signed a

⁴⁴ See About IDIA, IDIA, <http://www.idialaw.com/about-us.php> (last visited Aug. 18, 2012) (More details about the initiative).

⁴⁵ IDIA Scholar files writ at Gujarat HC- gets interim stay order for a seat at GNLU, IDIA (Jun 11, 2012), <http://www.idially.blogspot.in/>; The Legal Aid Society – NUJS, <http://www.nujs.edu/nujs-legal-aid-society.html> (last visited Aug 18, 2012); See also Kian Ganz, NUJS legal aid wrap 2011: Plans greater co-operation, joint projects (May 06, 2011), <http://www.legallyindia.com/Legal-Aid-Activism-and-RTIs/nujs-legal-aid-wrap-2011-plans-greater-co-operation-joint-projects>.

Memorandum of Understanding with International Justice Mission. The two collaborate on workshops, research projects and other activities with the aim of securing justice for victims of slavery, sexual abuse and other forms of violence. Along with another partner NGO, *banglnatak.com*, NUJS offered a 3-credit course to final year students on the issue of human trafficking. LAS has also collaborated and encouraged intra-state networking of law colleges to provide legal aid and make legal services more accessible.

The National Law Institute University, Bhopal Legal Aid Committee⁴⁶ has also engaged with the community through good governance initiatives. It has tie-ups with international and domestic NGOs including UNICEF, UNHCR, Helpage India, Amnesty International, WWF, and CRY. The committee works together with these NGOs in their various projects and campaigns. It also works with Bhopal-based NGOs to ensure implementation of the Supreme Court Ruling to distribute compensation to the victims of Bhopal Gas Tragedy. It also has entered into partnerships with the District Courts in Bhopal to organize Lok Adalats in which students help settle disputes. These projects pursue proper implementation of government policies and judicial decisions and encourage community-university engagement.

Such efforts of community engagement have also been made by the Gujarat National Law University Legal Services Committee⁴⁷ and National Law University, Jodhpur's Legal Aid and Awareness Centre. These work to provide free legal consultation to people in need of the same through legal aid camps. The scope of services provided ranges from summary case advice, self-help, community legal education and community development to policy reform initiatives. They also organize Awareness Programmes to educate the masses on issues including child rights, women's empowerment, Right to

⁴⁶ See Association, The National Law Institute University, <http://www.nliu.ac.in/html/association.html> (last visited Aug 18, 2012).

⁴⁷ See Legal Service Committee, Gujarat National Law University, <http://www.gnlu.ac.in/legalservicecommittee.htm> (last visited Aug 18, 2012).

Information Act, domestic violence, family law, labour law, consumer protection, and criminal legal issues such as procedure for filing complaints (First Information Reports) and police rights. This is done through audience-friendly media such as conferences, pamphlets, and street plays.

The examples discussed above show a cross-section of sincere efforts made by law schools to provide legal aid, but much more needs to be done. Given the Bar Council of India requirements on all of the 900+ law schools in India and the authorization by NALSA for law students to work with District Legal Services Authorities, there should be much more robust support to communities through legal aid clinics. A study conducted in the states of Jharkhand, Bihar, Orissa, Rajasthan, Chhattisgarh, Uttar Pradesh and Madhya Pradesh shows that only 44.7% of law colleges represented clients.⁴⁸ This study also refers to some leading universities that do not have legal aid clinics or have only recently established them.

IV. KNOWLEDGE MOBILIZATION AND RURAL GOVERNANCE WORK

In the last Part, we featured a sampling of legal aid clinic activities of seven Indian law schools to illustrate what law schools can do to contribute to and learn from communities. In this part, we examine the concept of “knowledge mobilization”, a movement promoting collaborative higher educational engagement with communities.

The vision of the knowledge mobilization movement is that communities participate in selecting priorities for research, in the research design, and, after receiving results, in policy reform efforts based on the evidence gathered. By envisioning legal aid clinic work as part of a knowledge mobilization effort, the law school academic community can better focus research on areas of high priority to communities and collaborate with the community on

⁴⁸ Government of India, *supra* note 4 (The data was based on a total sample of 38 colleges in the seven states).

recommendations on implementation and policy reform. A team of researchers at York University in Toronto, Canada, coined the term “knowledge mobilization” to refer to community-university research with an action outcome: “the process of connecting academic social sciences and humanities research to non-academic decision-makers so that this research informs decisions about public policy and professional practice.”⁴⁹ In other words, it refers to participatory research that enhances a two-way connection between researchers and research stakeholders so that research and evidence can inform decisions about public policy and professional practice. It uses mechanisms of knowledge transfer, translation and exchange to compile already existing information and generate relevant knowledge.

In India, such collaboration has been referred to as “community-university partnerships”. Sonali Mukherjee and Rajesh Tandon explained the roles of such joint collaborations in the development sector:

“The role of such an alliance is to bridge the gap between various actors in the development process so that they are able to address the issues of better livelihood approaches, sustainable development and just human rights for the people living in the fringes of the society. The disadvantaged or the oppressed individuals can also have a say in the governance process or assert their citizenship rights, but that is only possible when they have been brought into the fold of a strong civil society. A space needs to be created for differing voices on diverse issues. Equal opportunities and human rights would qualify for a better citizenship. Therefore, the actors in the development initiatives like the Government, Universities and the Civil Society Organizations are increasingly getting involved in joint

⁴⁹ David Phipps, *What is knowledge mobilisation and why does it matter to universities?* (Mar 9, 2012), <http://www.guardian.co.uk/higher-education-network/blog/2012/mar/09/introduction-to-knowledge-mobilisation> (contains the first part of his series on knowledge mobilization).

*collaborations to enhance the quality and ensure success of the various development schemes.*⁵⁰

The strategy of turning research into action addresses nagging realities of the massive scale of legal aid work in India: poverty is rampant and helping individuals solve individual problems does not change the systemic causes of those problems. Involvement of social science researchers and scientists to document ground realities through monitoring and evaluation of dysfunctional government entitlement programs can create the basis for changes in program implementation and policy reform to better meet community needs. We now turn to examples of collaborative community-university research in India to solve problems of neglected rural areas.

The Society for Participatory Research in Asia (PRIA), a civil society organization located in New Delhi, has worked with the Mountain Development Research Centre in Hemwati Nandan Bahuguna Garhwal University in Srinagar, Uttarakhand, on mountain research and community issues.⁵¹ The university created a mechanism to engage local communities in identifying issues and problems they face in agriculture and rural development so that masters' and doctoral students could identify topics for research from this list; research findings are shared with the local communities regularly.⁵²

Bharat Phool Singh Mahila Vishwavidyalaya, Khanpur Kalan, Haryana, established a Centre for Society-University Interface and Research (CSUIR) in 2011 to provide a "platform to include the local society in overall social growth."⁵³ It sensitizes students to rural life, sparks interest in learning traditional knowledge and techniques, and

⁵⁰ Mukherjee & Tandon, *supra* note 5.

⁵¹ Tandon, *infra* note 62; *see also* Society for Participatory Research in Asia, <https://www.pria.org> (last visited Jun 6, 2012).

⁵² *Id.*

⁵³ *Vice Chancellor's Message*, THE SPARK: THE BPS NEWSLETTER 1 (3), 2 (Jan 2010-June 2011).

motivates students to be socially responsible. Students document traditional knowledge of rural communities through interviews to save knowledge that may otherwise die with the elders. Students see first-hand the conditions in which nearby villagers live and are inspired “to make their life easier, cleaner and more hygienic by developing small technologies for their day-to-day use.”⁵⁴

A. KNOWLEDGE MOBILIZATION AND LAW SCHOOLS

“Knowledge mobilization” requires several commitments from law schools/universities that are new to many legal aid clinical programmes. First, there has to be time and communications commitments, to establish relationships between researchers, students and communities. The partners then plan together, gather necessary data and anecdotes, and follow up. Clinical activities should be designed to include formal research steps necessary to gather evidence to present to policymakers, as well as to help individuals or communities with discrete problems. This suggests that if law school clinics are to contribute to policy recommendations as well as individual problem resolution, law clinics will need to collaborate with other social scientists.

Law schools have done this through collaborations with regional, national and international NGOs. Illustrations including Jindal Global Law School’s collaboration with IRRAD and Navjyoti, NUJS’ collaboration with Commonwealth Human Rights Initiative and NLIU Bhopal’s with UNICEF, UNHRC and others have already been discussed in the last part. NLSIU, Bangalore works with Munnade, an organization involved in works specifically with women garment factory workers to disseminate information about Labour law issues.⁵⁵ It also partners with Each One Teach One, another Bangalore-based organization which replaces formal education with

⁵⁴ B. S. Malik, *Centre for Society-University Interface Set Up*, THE TRIBUNE (Jul 21, 2011), <http://www.tribuneindia.com/2011/20110722/harplus.htm>.

⁵⁵ Partner Registration, Legal Service Clinic, http://www.nls-lsc.org/partner_registration.php (last visited Aug 28, 2012).

innovative interactive sessions at schools catering to children of lower economic backgrounds.⁵⁶

Returning to the theme of good governance in rural India, one can see that legal aid clinics are well positioned to connect communities with researchers and policymakers. By voicing concerns of villagers to researchers, law clinic students can attract social scientists and other researchers to document village conditions to provide evidence to policymakers about needs and solutions. The opportunities for research are vast since so many rural communities face serious problems.

Law students must engage with communities to understand how policy impacts people and how government systems function. In a Subcommittee Report on Community Engagement submitted to the Planning Commission, Government of India, the observation was made that “community engagement should not be seen as an ‘addition’ to learning and teaching, but intrinsic to it. This is essential if education is to be a vehicle for social transformation and attainment of social justice, rather than as means to individual prosperity alone, on the other...”⁵⁷ Bar Council of India requires that law schools offering a five-year integrated graduation in law to offer social sciences subjects such as sociology, history, political sciences, economics among others⁵⁸. This is so because it is now well understood that social sciences have an important role to play in law-making and law-interpreting. The engagement of law and society is gradually becoming an area of major interests to academicians, scholars, policy-makers and social scientists alike. Similarly, the Bar Council of India’s Rules of Legal Education require each registered student to intern with an

⁵⁶ *Id.*

⁵⁷ Report of the Subcommittee on Community Engagement to the Planning Commission, Government of India (May 2012).

⁵⁸ Rules of Legal Education, Bar Council of India, 2008, cl 6, Schedule I (Bar Council of India while explaining the course structure of different 5-year integrated programmes mentions these subjects for B.A. LLb. The same can also be deduced from the courses offered by all major law schools in India).

NGO and trial and appellate advocates amongst others.⁵⁹ By engaging students with communities and with advocates, they encounter practical problems being faced by individual and the community at large, and may be inspired to further address community needs. Also, as noted in Part III, law schools must maintain Legal Aid Cells to retain their Bar Council of India recognition.

These mandates are reflected in both the course structure and the functioning of the legal aid cells of the law schools in India. For instance, the Participatory Law Making (PLM) Project⁶⁰ of NLSIU, Bangalore in association with Karnataka State Legal Services Authority engages with the community over policy matters. They prepare simple questionnaires on proposed legislations and other proposed laws to identify the loopholes in the framework and their potential implementation. Feedback is solicited by and from people who are expected to be affected by the law and recommendations based on such research are then sent to the appropriate authorities. Also the Legal Services Clinic of NLSIU, Bangalore organizes regular visits to Ramnagaram, a nearby rural area, to disseminate information about legal issues and to provide legal aid. Other illustrations are the 'Good Governance Now' program of JGLS and the Shadhinota Programme of NUJS discussed in Part III.⁶¹

These programmes engage with communities at multiple levels, from identification of relevant social and legal issues to evaluating the implementation of laws in the society. Legal awareness campaigns and collaborations with NGOs and other social scientists to produce inter-disciplinary research play an integral role in creation and spread of knowledge. Thus, such initiatives contribute significantly to understanding of law and policy in the societal context. Through these legal services programmes and specially designed course structures, law and society scholarship is also being developed. Law students not only learn ground realities through community engagement, but

⁵⁹ *Id.* cl 25, Schedule III.

⁶⁰ *See* About Us, *supra* note 41.

⁶¹ *See* IDIA, *supra* note 45; *see also* Association, *supra* note 46.

also they can contribute to make law-making and legal implementation responsive to people's needs by working together with affected groups

V. CHALLENGES AND RECOMMENDATIONS

We have seen in selected enabling legislations that universities and law schools have an obligation to contribute to India's development. In view of the massive scale of the development needs in India, law schools should endeavor to contribute in ways that have substantial impact on community development. Engaging with the community is important to inspire law students to work towards justice for the society around them, to apply academic learning to real life, and to include relevant community issues in curricula and research agendas.

The task of providing legal aid to all the people so entitled under the National Legal Services Authorities Act as a matter of right is herculean. It includes not only litigation related services but also legal literacy programmes, client counseling, negotiation with government offices to secure entitlements, and the like. The state legal services authorities are not prepared to provide legal services at the required scale. To scale up provision of legal aid services, the legal community – including the law schools - needs the will to do so supported by approaches and professional research resources to help enforce poverty alleviation programs so that they function properly and to robustly address other legal needs.

The knowledge mobilization paradigm provides Indian law schools and universities a useful framework for meeting both educational and societal needs. When law students and faculty engage with the disadvantaged communities around them, they see the gaps between the written law and ground reality. To aid communities in meeting basic needs, law schools should focus efforts on securing entitlements for community priorities such as water, sanitation, food, health, education and housing. Women's empowerment and other efforts to combat illegal discrimination are other key components of community development. Through research with communities, law schools can both assess the difficulties in actual implementation of

laws and also systematically prepare law practice tools to accelerate the provision of competent advice and representation.

In pursuing community-based research, law school academics in India face numerous challenges. Core challenges are the lack of institutionalization of such research, despite its obvious practical value, and the resulting inexperience of faculty in design and conduct of such research.⁶² There are currently few incentives for the stakeholders—students, faculty and community.

To the extent that legal aid clinics do conduct community-based research in India, the efforts are sporadic and led by particular individuals, rather than being institutionalized systematically across the country. This lack of institutionalization of community-based research is a common problem globally.⁶³ To build capacity in community-based research, support and resources are necessary. The faculty needs exposure to models of and skills required for community-based research, time to undertake it and students motivated to carry it forward. In view of the field work and community rapport required to conduct community-based research, faculty may work in tandem with non-governmental organizations as liaisons.

To achieve the main purpose of community-university engagement to “serve mutually agreed interests of both communities and institutions”⁶⁴, law schools and universities must ensure that there are incentives for the students, the faculty and the community members. Students should have academic credit for their involvement in legal aid and other research activities. This can be done through modifications in the marking scheme of the existing courses.⁶⁵

⁶² Rajesh Tandon, *Policy Note on Strengthen Community Engagement of Higher Education Institutions*, Submitted for the first meeting of the Sub-Committee on September 23, 2011 (On file with Authors) (The author highlights the lack of incentives for students, teachers and the community.)

⁶³ See generally, Jie Qi and Ben Levin, *Research Knowledge Mobilization in Education*, http://www.intlalliance.org/fileadmin/user_upload/documents/Conference_2011/4_IALEI_2011_Synthesis_Report.pdf (last visited Sep 3, 2012).

⁶⁴ Tandon, *supra* note 62.

⁶⁵ Tandon, *supra* note 62.

Community-based research by faculty should also be recognized as a factor in evaluating performance for the purpose of their salary hike, promotions and awards. This would lead to imbibing of the research culture amongst faculty members and understanding of research as a key element of the role of a teacher. Research should be so structured that communities are participants rather than objects of study. Community members' participation can be ensured by focusing on their priorities and providing information and skills to improve their daily lives. Ultimately, this research builds rapport and a sense of social responsibility among the stakeholders.

Access to the resources essential for carrying out research is another important problem. This problem of access could be tackled if universities "share effective practices of mobilizing research knowledge," i.e., making their research available to other departments and universities for reference and having access to theirs.⁶⁶ The Human Resource Development Ministry has also announced the plan of Indian Council of Social Sciences Research (ICSSR) to develop a Social Sciences Knowledge and Research Network (SSKRN), an open source which will publish quality research papers.⁶⁷

To accelerate community-university engagement, funding is required. Initially, pilot project funding can support development of models suitable for replication in law schools and universities across India. In the long term, resources are required to defray the cost of research ranging from transport, materials and surveys for reaching out to the local community in the target area, to scientific sampling and health screenings, statistical analysis and to the end stage of dissemination of research reports. They are required for building

⁶⁶ Tandon, *supra* note 62.

⁶⁷ Aarti Dhar, *Govt. to promote Social Sciences Research* (Feb 6, 2012), <http://www.thehindu.com/news/national/article2866173.ece> (last visited Sep 03, 2012) (Some law professors in India are members of international organizations such as the Global Alliance for Justice Education, www.gaje.org, and Namati – Innovations in Legal Empowerment, www.namati.org, both of which share law school clinic resources developed by members and/or are members of the Social Science Research Network, www.ssrn.org).

appropriate infrastructure, websites and networks for exchange and development of knowledge and practice tools. The problem of lack of funds has been recognized not only by many scholars and research organizations but also in the reports of Sub-Committee on Community Engagement⁶⁸ and Committee constituted by the Government of India to Review the Functioning of ICSSR (2011).⁶⁹

For research and creation of knowledge in the sectors addressing the issues of disadvantaged communities, there are several existing resources. First of all, law schools should allocate resources for legal aid clinics since they are required to create such clinics in order to obtain Bar Council of India recognition, as mentioned above. Secondly, NGOs and law schools can compete to conduct state funded research related to implementation of government schemes to alleviate poverty.⁷⁰ The Report on ICSSR also contemplated more scholarships, awards⁷¹ and collaborations with Universities Grants Commission and affiliated universities to ensure encourage and attract social scientists and other research scholars.⁷²

⁶⁸ See Report of the Subcommittee, *supra* note 57.

⁶⁹ See generally, Committee Report, *Review of the Functioning of ICSSR*, http://mhrd.gov.in/sites/upload_files/mhrd/files/Final-Report-ICSSR.pdf (last visited Sep 3, 2012) (The later of the two observes that ICSSR gets grants equal to only 2.3 % of those allotted to Council of Scientific and Industrial Research and 11% of Indian Council of Medical Research. Thus, highlighting the fact that social sciences research has received lesser attention of the government authorities).

⁷⁰ See, e.g., *An assessment of Convergence of Sarva Shiksha Abhiyan with Select Central and State Government Schemes*, National Resource Centre for Women (May 2012), available at <http://www.smsfoundation.org/pdf/Assessment%20of%20Convergence%20of%20Sarva%20Shiksha%20Abhiyaan%20with%20Selected%20Central%20and%20State%20Government%20Schemes-12th%20Sept,%202012.pdf>.

⁷¹ Ten annual Amartya Sen Awards have been announced by the Ministry of Human Resource Development to honour social scientists and their research works. This would act as an incentive for many scholars to invest time and effort in research work in different social sciences.

⁷² See Report of the Committee Constituted by the Government of India to Review the Functioning of ICSSR (NEW DELHI, Jun 28, 2011), 48-49, http://mhrd.gov.in/sites/upload_files/mhrd/files/Final-Report-ICSSR.pdf.

In addition to publicly funded research, law schools and universities may seek partnerships with private institutions active in policy research.⁷³ Community-based research can be funded by corporations as part of their Corporate Social Responsibility (CSR) activities. Universities especially, premier law schools have good connections with many companies and law firms which carry out CSR activities. They could negotiate with them to provide supplemental funding for their legal aid cells.

In the course of this article, we have traced the need of India's disadvantaged communities for access to entitlements, the mandates on law schools to provide legal aid cells and practical training papers that expose law students to community needs, and the connection between law schools and national legislation mandating provision of legal services to the many eligible people in the country. We have also reported the good but fragmented efforts of selected law schools to address needs of nearby communities. We have seen a model of good governance, in terms of proper implementation of government schemes, achieved through participation by both law schools with the technical understanding of law and policy-making on one hand and NGOs and communities well-versed with the societal issues and the practical implications of various laws and policies on the target population, on the other.

The global movement of "knowledge mobilization" and its Indian sister "community-university engagement" should be embraced as mechanisms to accelerate systematic poverty alleviation in India. We advocate that the tool of community-university engagement be widely adopted to fulfill both the educational and societal development objectives of law schools and other institutions of higher education in India.

⁷³ See generally, Qi & Levin, *supra* note 63.