

AN UNKNOTTED TRANSFORMATIVE JOURNEY OF CLINICAL LEGAL EDUCATION IN INDIA

Abstract

Clinical Legal Education (CLE) reflects a liberal and reformist educational philosophy that seeks implementation through university programs and regulatory bodies. Its chief objective centers on honing the aids, acuties and accountability. This goal is expected to be embraced by law students when they plunge into legal practice. It primarily bridges the event between the theoretical and practical aspect of legal education in a most productive manner. This leads to an effortless admittance to justice, judicious legal insight and impartial dispersal of legal amenities to the society. This paper sheds light on the developmental and evolutionary facets of CLE in India. This includes analyzing the grim phase of the COVID-19 pandemic on the futuristic scope of this education. Further, impediments faced in smooth operation of age-old modes of legal functioning. And a transformative stage revealing digital mode of teaching, preaching law, and way forward for elevating legal education of the nation.

I Introduction

EDUCATION PLAYS a vital role in the formation and evolution of social change. To be specific, education equips an individual with the ability to comprehend and introspect upon the progressions and knowledge ability required to unfetter themselves from limitations that restrict their discrete development. Multiple spheres of education are at one's disposal, off which, legal education is one that conceptualizes the study of law. Moreso, imparting legal education enables the students to bring out the best skills, aptitude and acquaintance required to uphold justice.

S. P. Sathe while giving his opinion on the pertinent question of whether legal education is all about imparting lawyering skills or does it also mandate vouching to upkeep specific values stated that: ¹

A lawyer is not only a seller of services but he is a professional who renders services for maintaining the rule of law. He is supposed to be an officer of the court. He has to have commitment to certain values such as democracy, individual liberty, social and economic equality including gender equality and concern for the disadvantaged sections of society which will include the poor, women, the physically handicapped, children, the minorities and Dalit's as well. It is thus, Legal education which has to create such a commitment.

1 Centre for Research and Planning, Supreme Court of India, "Legal Aid though Law Schools: A Report on working of Legal Aid Cells in India" 18(2024).

Hence it can be understood that, the parameter of legal education includes implanting, nurturing and developing lawyering ingenuity. It also guarantees growth of standards incidental to such skills.

II Conceptualizing CLE: The traditional ideology

In the year 1933, Jerome Frank from United States (US) introduced CLE in his article, “Why not a Clinical Lawyer - School”² and has ever since been the focus of attention not only for upgrading education in the legal sphere but also for creating a synthesis between the schools of law and the legal occupation.

In India, the Bar Council of India³ (BCI) is the regulator of legal education at various institutional levels including law universities, government and private law colleges (both aided and non-aided) covering two broad aspects seen as theoretical legal knowledge and practical legal experience.⁴

CLE encapsulates the practical element pertaining to the lawful domain, wherein under the administration of the legal practitioners the students are provided with opportunities to hone their legal skills.⁵ They are made ‘to think and to act like a lawyer’, largely through the constitution of clinics providing legal aid which create an ideal learning environment.⁶ Here the students are required to identify, research and apply legal provisions to a particular setting which resembles the actual world wherein CLE is essentially practiced by legal professionals.⁷

In fact the law on the right to legal aid is embedded in the provisions of the Indian Constitution.⁸ In addition, this right evolved by virtue of the land mark decisions pronounced by the apex court. Provision of free legal aid is part of States’ duty was emphasized by the apex court of the country in *M.H. Hoskot v. State of Maharashtra*.⁹ Further, in *Hussainara Khatoon (IV) v. Home Secy., State of Bihar*¹⁰ the court held: ¹¹

The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide

2 Jerome Frank, “Why Not a Clinical Lawyer-School?” 81 *Penn Carey Law Journals* 907 (1933).

3 The Advocates Act, 1961 (Act 25 of 1961), ss. 2(e), 4.

4 Amit Dhall, “Legal Education in India: The Emerging Challenges and Prospects” 6(1) *Dehradun Law Review* 52 (2014).

5 Vijendra Kumar, “Clinical Legal Education during COVID-19 Pandemic: Issues and Perspectives”, *ILJ Law Review* 241 (2020).

6 *Ibid.*

7 *Ibid.*

8 The Constitution of India, art. 19(5), 21, 39A.

9 (1978) 3 SCC 544.

10 (1980) 1 SCC 98.

11 *Id.*, para. 7.

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.

The triumph of legal aid programs is based on people's participation and this was stressed by the apex court and the court further recognized the need for such involvement in *Centre for Legal Research v. State of Kerala*.¹² It was stated by the court that, "a legal aid program is not charity or bounty but it is a social entitlement for the people".¹³ Added to this, the court endorsed the implementation of: "a strategic legal aid program consisting of promotion of legal literacy, organization of legal aid camps, encouragement of public interest litigation and holding of *lok adalats* or *nitimelas* ..."¹⁴

In fact, CLE provides a set up to equip the law students to assimilate the responsibilities as members of public services. This leads to successful management and reformation of law along with impartial dispersal of law-backed amenities in the society, thereby affirming the fundamentals of professionalism. Further, substantive teaching is offered in a productive manner through clinical method in comparison with non-clinical method.

Thus, rather than lecture method or discussions, a clinical approach delivers virtuous study of practice on factuality relating to social bonds, advancement of a case and alliance as far as substantive and procedural regulations are concerned.¹⁵ Through this, students of law are opportune to challenge the qualms and encounters of legal problem, solving the client's issues in mediums that often contest the teachings of the rule of law and justice in society.

Therefore, CLE leads to intellectual as well as professional development of law students that thoroughly trains them for law practice in the form of able, proficient and accountable legal practitioners. In essence, CLE serves as a critical pedagogical model that promotes both intellectual growth and professional competence. It trains students to confront and resolve real legal challenges, often exposing them to the complexities of justice delivery and the moral dilemmas inherent in the application of law. Through CLE, students evolve into capable, ethical, and socially responsible legal professionals, equipped to meet the demands of modern legal practice. The evolution of CLE in India has been gradual yet significant, shaped by judicial directives, academic reforms, and growing awareness of access to justice.

12 AIR 1986 SC 1322.

13 *Ibid.*

14 *Ibid.*

15 N.R. Madhava Menon, *A Handbook on Clinical Legal Education* (Eastern Book Company), Lucknow, India 1998.

III Overview and progression of CLE in India

The Indian Constitution by virtue of its Preamble ensures justice in all forms that encompasses social, economic in addition to political aspect. The State obligations reflect as Directive Principles of State Policy (DPSP).¹⁶ Rights of the people that cannot be abridged by the State, are the guaranteed fundamental rights and their violation ensure remedy. From the international perspective, emphasis is laid on remedy and its efficacy in cases of infraction of fundamental rights which reflect in the text of the Universal Declaration of Human Rights (UDHR),¹⁷ which upholds access to justice as a key global standard.

In furtherance of the same, if law makes a provision for remedy upon its breach, then admittance to impartiality in the form of justice becomes inevitable. The Legal Services Authorities Act, 1987 is one of the legislations in India that has been framed with an objective of building a legal system for the citizens.¹⁸ The statute provides avenues for securing justice on equal basis, through cost free legal services, irrespective of infirmities prevalent amongst the citizens.¹⁹ In this context, a brief reference can be made of the States' obligation under the Indian Constitution that speaks of providing equal opportunities to all citizens while accessing justice by making a provision of free legal aid by virtue of statutes or schemes.²⁰ India being a developing State predominantly constitutes indigent sections of society. Implementation of this Central legislation²¹ was a remarkable endeavour on part of the executive that has been framed in favour of specific sections of society.²² Thus, citizens avail the facility of legal representation under the Act, when they are unable to meet the cost of the lawyer. This gets into picture the indispensability of CLE at law schools and the provision of primary aid to the indigent where the students of law are actively involved. In this context, the Legal Services Authorities Act, 1987 stands out as a significant piece of legislation aimed at ensuring equal access to justice. By providing free legal services to the disadvantaged, the Act serves as a practical tool for realising constitutional aptitudes of justice. In the case of *Anokhilal v. State of Madhya Pradesh*²³ the Supreme Court revisited the law on right to legal aid and mentioned that, the statutory regime pertaining to this right is articulated to meet the objective underlying Article 39A under the Indian Constitution. This is inclusive of the Legal Services Authorities Act of the year 1987.

16 The Constitution of India, art. 39A.

17 The Universal Declaration of Human Rights, 1948, art. 8.

18 The National Legal Services Authorities Act, 1987 (Act 39 of 1987).

19 *Ibid.*

20 *Supra* note 16.

21 *Supra* note 18.

22 *Supra* note 18, ss. 12, 13.

23 (2019) 20 SCC 196.

The legal aid infrastructure established under this Act relies heavily on participation from law schools and legal academia. CLE has thus become indispensable, not only as a mode of teaching but as a mechanism for delivering legal aid and fulfilling the constitutional mandate of equal justice.

In fact, CLE refers to a law practice that typically serves the public interest of a section of society or a group which is deprived or in an unprotected situation devoid of means to avail the legal system. It incorporates within its periphery, an intensive learning that empowers students of law to recognize the strategies that relate to working of law.²⁴ Thus, CLE is perceived as one of the prime ways which provide a blend of theory with practice in context with law.

N.R. Madhava Menon opined that the goal of CLE is not to generate succeeding lawyers who follow the conventional modes of resolving disputes in the court of law by being craftsmen manipulating the skills of advocacy.²⁵ He defines CLE as “a pedagogic technique that has its focus on the learners and the process of learning.”²⁶

CLE in India has derived its origin from both legal aid as well as legal education reform movements and is perceived as a relatively novel phenomenon in Indian Legal Education. It includes not just the theoretical course but also practice oriented courses within the legal curriculum. It was United States massive success in this field, that led to the adoption of CLE in India.²⁷ During the British regime in India, legal education aimed at supporting the financial interests of England thereby maintaining the status of the legal occupation of the country.²⁸ However, it was foreseen at the post Indian Independence stage that legal education would synchronize itself with the economic, political and social aspirations of the nation.²⁹

In fact, the elevation and harmonization of university level legal education became a ground reality when the UGC was established. Further, the Advocates Act, 1961 was brought into force by the Indian Parliament,³⁰ so as to manage the legal profession by

24 Archana K., “Practicability of Clinical Legal Education in India- An Overview” 4 *Journal of Education and Practice* 157 (2013).

25 Studocu, *Clinical education – Cle*, 2023/2024, available at: <https://www.studocu.com/in/document/chaudhary-charan-singh-university/legal-studies/clinical-education-cle/46905718> (last visited on Feb. 20, 2025).

26 *Supra* note 15.

27 Sital Kalantry, “Promoting Clinical Legal Education and Democracy in India” 8 *NUJS Law Review* 1 (2015).

28 Government of India, “Interim Report of Auxiliary Committee of the Indian Statutory Commission on Review of the Growth of Education in British India” (1930).

29 Sarin Memorial Legal Aid Foundation, available at: <https://sarins.org/lectures/legal-education-in-india-past-present-and-future-justice-as-anand/> (last visited on Apr. 27, 2025).

30 The Advocates Act, 1961 (Act 25 of 1961),

bringing in uniformity amongst advocates in the system of practice. It further constituted a representative and regulatory mandate which is the BCI³¹ and the State Bar Councils for the States across the country.³²

One of the statutory functions of BCI is promotion of legal education.³³ While on the other hand, in 1960's, legal aid activities started witnessing involvement of legal institutions wherein it was presumed that law colleges could significantly contribute towards dissemination of legal services through legal aid clinics.³⁴ In fact in 1969 at the Delhi University, it was through constitution of legal service clinic, prison inmates were offered legal services.³⁵

A real-time course on CLE in the country was first introduced by the Banaras University in the early 1970's.³⁶ The course design reflected participation in varied legal activities such as spending a day in law courts and reporting the proceedings. It also included spending another day for legal aid practices and undertaking programs pertaining to legal literacy, social surveys for implementing welfare programs. Added to this, dispute settlements were also facilitated through camps established under the garb of legal aid.³⁷

It was in early 1970's, the Law Ministry constituted an expert committee³⁸ that proposed a model for conduct of legal aid programs demanding alike contribution and engrossment of law teachers and law students. The first key report prepared by the Committee on conceptualization of the directive concerning legal aid came to light in 1973. The said Committee chaired by Justice V.R. Krishna Iyer, focused on effective implementation of legal aid to scaggier segments of society stating that, "legal aid is an integral part of the legal system and is not a matter of charity or confined to the four walls of a court building."³⁹

Various recommendations were made to the legal curricula right from establishing an autonomous legal aid society on the national frontier to mandatory engagement in public service.⁴⁰

31 *Supra* note 18, s.4.

32 *Id.*, s.3.

33 *Id.*, s.7(h).

34 Frank S. Bloch, Iqbal S. Ishar, "Legal Aid, Public Service and Clinical Legal Education: Future Directions from India and the United State" 12 *Michigan Journal of International Law* 96 (1990).

35 *Id.* at 115.

36 Anandjee, *Objectives Of Legal Education, Legal Education In India: Problems And Perspectives* 40-42 (Agarwal, S.K., Bombay, (1973).

37 *Ibid.*

38 Ministry of Law, New Delhi Expert Committee on Legal Aid. V.R. Krishna Iyer, "Processual Justice to the People: Report of the Expert Committee on Legal Aid" 121 (1973).

39 *Ibid.*

40 *Supra* note 1 at 25.

In 1977, the Committee on National Juridicare aimed to revise, update, re-evaluate, and supplement the report of expert committee, and its report concerted on the feasibility and working environment of programs pertaining to legal aid.⁴¹

In 1977 itself, there was a debate over a three year versus five year LLB course at the National Seminar on Legal Education at Bombay. This led the BCI to unanimously agree over prologue of the new five year course from July 1982 that was open to students post completion of their senior secondary education that was inclusive of practical component of law learning. Further, mandatory and elective clinical courses were introduced by the National Law School India University (NLSIU). In fact, the year of 1992 witnessed the start of three compulsory clinical courses.⁴²

The Indian Government in 1981 appointed a committee for effective implementation of schemes surrounding legal aid practices headed by Justice P.N. Bhagwati.⁴³ The committee concentrated on giving legal services to every individual through camps on legal aid, fostering of legal literacy, providing intensive training to paralegals and bringing about class actions by means of public interest litigations (PILs).⁴⁴

It was in the year 1990, the University Grants Commission (UGC) constituted a Curriculum Development Centre (CDC) with Upendra Baxi as its Chairman, for designing new curriculum in law with a view to promote human resources development and give valuable inputs on standardization of the curriculum for graduate and post-graduate law courses.

In the year 1994, a three-member Committee comprising of Justice A.M. Ahmadi, Justice B.N. Kirpal and Justice Jaganaddha Rao dealt in detail with law school teaching methods. The Committee, in its report, recommended inclusion of the problem method, moot courts, and mock trials in legal education curriculum. It further recommended novel methods of teaching to be mandatorily inculcated within law schools.⁴⁵ The BCI, after taking recommendations from the Ahmadi Committee, re-introduced one year training requirement after graduation from law school in the year 1994.⁴⁶ This committee's recommendations turned out to be the beginning of clinical teaching and its inclusion into the modern Indian Legal Education System.

In around 1994-95, the clinical courses were reorganized and two clinical courses namely Client Interviewing and Alternative Dispute Resolution Clinic, Trial Advocacy

41 Government of India, Ministry of Law and Justice, "Report of Committee on National Juridicare: Equal Justice, Social Justice" 68 (1977).

42 Realising the Importance of Clinical Legal Education in India, *available at*: <https://blog.ipleaders.in/clinical-legal-education/> (last visited on Apr. 27, 2025).

43 Government of India, "Report of Committee for Implementing Legal Aid Schemes" (1981).

44 *Ibid.*

45 Bar Council of India, "Justice Ahmadi Committee Report" (1994).

and appellate advocacy clinic were made compulsory. Students could choose third Clinical course from several Clinics such as Corporate Clinic, Criminal Law Clinic and Labour Law Clinic.⁴⁷

It was further observed that the legal education system in the country was in dire need of a facelift that could survive societal prospects and thus, several initiatives were taken to channelize all energies on improvisation of legal education by the UGC, BCI and the Law Commission of India.⁴⁸

Additionally, Part IV of the Bar Council of India Rules, 2008 prescribes a detailed list of subjects to be taught in the class rooms and during internship; besides also providing a specific curriculum of practical training and division of internal and external evaluations to be adhered in course of completion of degree in law.⁴⁹

The apex court of India in *State of Maharashtra v. Manubhai Praggi Vash*⁵⁰ held that the state government, in concurrence with the concerned University, the BCI and state Bar Council and other competent bodies or persons, should take the necessary steps to ensure high standards of excellence in the field of legal education. Therefore, to ensure mark of worth in this field and further to boost the values and skills that are identified, reassessment of the contemporary needs of the Indian society is necessary.

As per the provisions of the Advocates Act, 1961, the BCI through certain law universities along with higher educational institutions made a sincere attempt to impart clinical experiences in the field of legal education to its aspiring students by means of organization of mock trials, moot courts and visiting courts as co-curricular activities.⁵¹

In order to fuse clinical programs with the legal aid extension services, clinical programs underwent a revision in 1996-97. Apart from mandatory Clinical courses, in the interest of the students there are also elective courses that touched the clinical side such as Community based Law Reforms Competition, Legal Services Clinic and Moot Court.⁵²

46 Law Commission of India, "184th Report on The Legal Education and Professional Training and Proposals for Amendments to the Advocates Act, 1961 and the University Grants Commission Act 1956" 44 (2002).

47 N.R. Madhava Menon and V. Nagaraj, *Clinical Legal Education: Concept and Concerns, A Handbook On Clinical Legal Education*, Eastern Book Company, Lucknow, 1998.

48 *Supra* note 46 at 9-27.

49 Bar Council of India, Part IV, Rules of Legal Education 2008, r. 8, 10.

50 AIR 1996 SC 1.

51 *Supra* note 5 at 245.

52 *Supra* note 25 at 175.

It was after the report given by the Ahmadi Committee that the BCI introduced four practical papers in the law curriculum that were initiated from the year 1998-1999 they are:⁵³

- i. Paper I - Moot-court, Pre-trial preparations and Participation in Trial Proceedings.
- ii. Paper II: Drafting, Pleading and Conveyancing.
- iii. Paper III: Professional Ethics, Accountancy for Lawyers and Bar-bench Relations.
- iv. Paper IV: Public Interest Lawyering, Legal Aid and Para-legal Services.

If one takes a closer look at the four practical papers, they indicate their primary focus on enhancing the basic lawyering skills thereby elevating social justice. The skills include preparation for moot courts or trials, drafting of pleadings and conveyances, familiarity with professional ethics or involvement in alternative dispute resolution mechanism and also legal aid.

The indispensability of CLE projected through reformatory and responsive learning was outlined through different reports submitted by UGC. The entire idea and structure of CLE is based on American Bar Association task force report, namely, the *MacCrata* Report.⁵⁴ The report aimed to bridge the perceived gap between law school education and the real-world demands of legal practice in the US. It emphasized the need to equip law students not merely with theoretical knowledge, but also with essential lawyering skills and professional values. These included abilities such as problem-solving, legal research, client counselling, advocacy, negotiation, and ethical decision-making areas that had previously been under-emphasized in many traditional law school curricula.

In the Indian context, the *MacCrata* Report had a profound influence on the direction of CLE reform. Its emphasis on experiential learning and professional readiness aligned well with the Indian legal education system's growing awareness of the need to prepare students for real-world legal challenges. Recognising this, the UGC and BCI began to reframe legal education by moving away from lecture-based, rote learning models towards practical, skills-based legal training.

53 Nidhi Sharma, "Clinical Legal Education in India: A Contemporary Legal Pedagogy", 176 *available at*: <https://ir.nbu.ac.in/server/api/core/bitstreams/b5e47f8f-234b-4ff5-9b81-65bd762c1f96/content> (last visited on Jan. 30, 2025).

54 E Eugene Clark, "American Bar Association, "Legal Education and Professional Development -An Educational Continuum, Report of the Task Force on Law Schools and the Profession: Narrowing the Gap" 1-18 (1992).

CLE, thus, was conceived not simply as a mode of community service through legal aid, but as a pedagogical method that would help integrate theoretical legal instruction with the practice of law. Law students would now be exposed to simulated and live legal settings where they could develop their professional abilities through direct interaction with clients, courts, and alternative dispute resolution mechanisms.

The BCI, however, is obligated to ensure meeting the benchmarks of legal education and further recognise the law degree. Hence by virtue of the power given to this statutory body under the Advocates Act 1961, the regulator has framed the 2008 rules on Legal Education, wherein in the curriculum of Law, Alternate Dispute Resolution (ADR) has been inducted as one of the imperative course.⁵⁵

The students through this course are expected to learn Negotiation and Conciliation Skills, and Arbitration Mechanism to be taught by the senior legal practitioners.⁵⁶ Further, preferably retired judges or advocates are required to disseminate knowledge on the course relating to drafting, pleading and conveyance, as per the rules.⁵⁷ BCI adopted a resolution, based on the recommendations of the Supreme Court's three-member committee, to constitute clinics on legal aid in every school of law to provide inexpensive and speedy service to underprivileged groups in society.⁵⁸

Thus, an imperative fragment of clinical practice is its prominence on experimental learning and other collaborative teaching methods that give students a sense of partaking in the process, and shape them into the mould of an efficacious attorney.⁵⁹

The progression of CLE in India reflects a transformative journey from being a peripheral pedagogical experiment to becoming an essential pillar of modern legal education. Rooted in the ideals of social justice and access to legal remedies, CLE has steadily evolved through a series of academic reforms, judicial endorsements, and institutional initiatives.

The influence of international models such as the *Mac Crate* Report, coupled with the proactive role of regulatory bodies like the UGC and BCI, has ensured that CLE is no longer limited to legal aid but is now an integrated and structured component of the legal curriculum.

55 *Supra* note 49, Part II (B).

56 *Ibid.*

57 *Ibid.*

58 Bar Council of India, "3 Member Committee Report on Reform of Legal Education" (2009), available at : <http://www.barcouncilofindia.org/wp-content/uploads/2010/06/3-member-Committee-Report-on-Legal-Education.pdf.html/> (last visited Feb. 12, 2025).

59 Frank S. Bloch, "The Andragogical Basis of Clinical Legal Education" 35 *Vanderbilt Law Review* 321-323, (1982).

IV Transfiguration of CLE during the COVID cataclysm

The Coronavirus Pandemic that had struck the globe from the year 2020 till around mid-2022, was nothing short of a major catastrophe that has led education as a whole to run helter-skelter, thus rendering it to become disorderly. The abrupt closure of educational institutions across the nation has had a severe physical, mental and emotional impact on students. As far as legal education is concerned, the clinical aspect of the law curriculum has highest weightage and unfortunately, has been affected the most due to the pandemic. Nonetheless, technology and its constant transformations have played a key role of becoming a makeshift solution to its stakeholders during the COVID-19 calamity. Since the educational sector, like all others were forced to take up the virtual mode of functioning, the core pedagogy of clinical learning of the law took a jolt.

Law curriculum mandates completion of clinical legal study through practical papers but its effectiveness had been and is fenced by myriad challenges. More so, the pandemic seriously affected the course of action adopted to professionally train the law students, and the consequent output to access legal services that had to be availed by the masses was extremely immobilized. In addition, court visits, prison visits, practicing with senior advocates in their chamber, interning with law firms, corporate legal offices, observing governmental functions have transitioned into virtually distant movements.

The advent of the pandemic and nationwide lockdowns that followed, automatically led to temporary stoppage of on-field law activities imparted to students through CLE. With schools and colleges being shut for safety purposes, learning had to continue and therefore, legal activities have also taken up the digital mode of functionality. Digital meeting platforms such as Zoom, Google Meet, Google Classrooms have facilitated continuity of legal education. This is more so by convening legal aid cell meetings, webinars, legal workshops, national and international legal conferences in the so called online mode. Clinic oriented activities are now ingrained as part of academic discourse through virtual moot courts, mock trials, online examinations and so on.

The COVID-19 pandemic heralded a paradigm shift in the pedagogical landscape of legal education, profoundly impacting the structure and delivery of CLE in India. Traditionally reliant on experiential modalities, such as live-client interactions, fieldwork, community outreach, and courtroom exposure; CLE found itself in a state of flux as lockdowns, institutional closures, and public health mandates rendered in-person engagement untenable. The crisis compelled legal educators and institutions to recalibrate their clinical models, transitioning from conventional, practice-based instruction to technologically mediated alternatives.

As stated earlier, BCI spearheaded legal education by appealing to all legal institutions across the country in April 2020 to resume their classes, however, in virtual mode.⁶⁰ Amidst the pandemic, BCI, in early August 2020, issued a notification⁶¹ offering a course on mediation conciliation and arbitration with due caution by taking into consideration, the pandemic protocols. Within a week of this development, the Bar Council notified the same course with certain alterations to be added as a major mandatory subject to the law curriculum.⁶²

It will be apt to mention and quote the former Chief Justice of India, Justice S. A. Bobde:⁶³

This is the time when a lot of emphasis has to be placed on utilising mediation, pre-litigation and post-litigation mediation to resolve many matters. When the Pandemic goes away and the lockdowns are all lifted, we are going to face a flood of cases which I do not know how we are going to decide if we go in the usual way to following the detailed procedure and this is something which we all have to put in our minds together to deal with.

It is indeed amusing that the educational sector, like many others, is currently undergoing radical variations where many educationists, academics and advocates have been forced to put themselves through some stern reckoning and renovation.

Former Chief Justice of India, NV Ramana categorically pointed the significance of Arbitration and Mediation as preferred mechanisms for dispute resolution over traditional litigation. This is mainly because, it being cost effective, expeditious and also enables parties' involvement and further he emphasised that, the option of courts must be elected as the final choice by the litigant.⁶⁴

60 Aishwarya Iyer, "BCI writes to Law Schools urging that online classes be conducted to cover the syllabus amid COVID-19 Lockdown", Apr. 25, 2020, *available at* <https://www.barandbench.com/news/bci-writes-to-vice-chancellorsprincipals-and-deans-of-centre-of-legal-education-asks-them-to-conduct-online-classes-to-cover-the-syllabus>, (visited on Jan 28, 2025).

61 Bhumika Indulia, "BCI introduces Mediation with Conciliation as a compulsory subject in Law Colleges from Academic Session 2020-2021", *SCC TIMES*, Aug. 17, 2020; *available at*: <https://www.sconline.com/blog/post/2020/08/17/bci-introduces-mediation-with-conciliation-as-a-compulsory-subject-in-law-colleges-from-academic-session-2020-2021/> (last visited on Jan. 30, 2025).

62 BCID-0468-2024(LE Circular-06/2024)-Comprehensive Implementation of Legal Education Reforms, Mandatory Guidelines, Norms and Rules of Legal Education, BCI:D: 468/2024 dated May 20, 2024, *available at*: <https://www.barcouncilofindia.org/info/comprehens-ku2hwr> (last visited on Jan. 29, 2025).

63 PTI, "There will be 'flood' of pending cases post-COVID, mediation needs to be emphasized: CJI Bhobde", *The Indian Express*, Sep. 12, 2020.

64 Aaratrika Bhaumik, "Keep The Option Of Going To Courts As Last Resort: CJI NV Ramana Emphasizes Importance Of ADR Mechanisms", *Live Law* Dec. 4, 2021.

As opined earlier, cataclysmic times call for innovative strategies, particularly in the field of education. Hence, during such times it is all the more vital to revitalise economy, build trust and confidence and pave ways to tackle educational issues more efficiently. The development of Online Dispute Resolution (ODR) is one such novelty that has found its existence to fructify during the COVID calamity.

ODR is a concept that mainly focuses on increased reliance upon information and communication technology tools to ease dispute resolution without the need for being physically present during the proceedings.⁶⁵ Nonetheless, smooth functioning of ODR comes with its own set of challenges such as availability of digital infrastructure, percentage of digital literacy among the crowd, privacy concerns and a sense of general scepticism towards usage of digital means to facilitate justice.

Viewed from a reformative lens, the COVID-19 pandemic also facilitated the process as a catalyst for long-overdue reform. It accelerated the digitalisation of legal education and highlighted the imperative of integrating technology within CLE curricula. Students acquired competencies in e-filing, virtual dispute resolution, and remote client engagement skills increasingly indispensable in the evolving architecture of digital justice systems. These emergent modalities align with global trends in e-governance and judicial reform, ensuring that Indian CLE remains contemporaneous and future-ready.

Importantly, the crisis reinvigorated CLE's foundational commitment to social justice and access to legal remedies. Student-led initiatives during the pandemic ranging from legal awareness campaigns on social media to pro bono research for PILs demonstrated that even in times of disruption, CLE can remain a vibrant conduit for legal empowerment and community service. During the COVID-19 pandemic, the Legal Aid Society of National Law University Odisha (NLUO) launched Project Prayas,⁶⁶ a student-led initiative providing telelegal services connecting people with medical professionals and mental health counselling through remote consultations, addressing pandemic-era anxieties and isolation and accurate pandemic information thereby guiding communities on relief entitlements. It affirmed that the goals of CLE extend beyond pedagogy to encompass broader concerns of justice, equity, and legal consciousness.

However, there are various challenges that cross the path, when the question relates to imparting CLE; and further, planning to design a curriculum that would reflect a well-defined legal education that would replicate a clinical angle is equally arduous.

65 Rahul Kumar Gaur, "Tech-Driven Justice: Unraveling the Dynamics Of Online Dispute Resolution", *Live Law* June 9, 2024.

66 Legal Services Committee, National Law University Odisha (NLUO), available at: <https://nluo.ac.in/legal-services-committee/> (last visited on Jan 30, 2025).

The COVID-19 pandemic significantly disrupted the traditional contours of CLE in India, yet also unveiled new possibilities for innovation and inclusivity. The shift to virtual CLE, though initially reactive, has opened avenues for the integration of hybrid pedagogical models that can augment reach, flexibility, and responsiveness. Going forward, it is imperative that legal education institutions invest in technological infrastructure, digital capacity-building, and pedagogical re-imagination, so that CLE may transcend logistical constraints and continue to serve as a crucible for both professional excellence and civic responsibility.

The impediments speak of scarcity of funds, paucity of well proficient instructors and limitations of clinical study where law students are not much espoused to practical aspect of learning. Therefore, it is imperative on part of the policy makers as reformists to configure the pedagogy of the CLE considering its need and objective.

V Unknotting the journey of CLE in India

CLE, during its initial inception in India, faced intense resistance due to a deficiency of theoretical lucidity and institutional assurance. Legal education was largely doctrinal, with little emphasis on practical skills, and law schools seldom recognized the pedagogical value of experiential learning. However, over the years, this theoretical rigidity began to loosen. Thanks to sustained academic advocacy, international influence, especially from the *Mac Crate* Report, and a growing awareness of CLE's role in promoting access to justice. Indian legal education gradually embraced the idea that training lawyers required more than classroom instruction; it required exposure to real-world problems and solutions.

One major knot was the absence of formal regulatory backing for clinical programs. This was addressed when the Bar Council of India, in its 2008 legal education rules, made CLE elements such as moot courts, trial advocacy, legal aid, and ADR compulsory components of law curricula. The BCI's guidelines not only legitimized CLE as an academic requirement but also encouraged law schools to integrate it systematically, laying the groundwork for experiential learning as a core part of legal education.

Another persistent challenge was the lack of trained clinical faculty. CLE demands a different teaching methodology; the one that combines legal knowledge with mentorship, supervision, and ethical guidance. To address this, law schools began offering faculty development programs,⁶⁷ workshops, and training in collaboration with bodies like the UGC, National Law Schools and international organisations.

This professionalization of clinical educators significantly improved the quality and consistency of CLE across institutions. Conflicts within the legal profession and its

67 Faculty Development Program (FDP) on Emerging Challenges to Labour Laws by IMS Law College, Noida, available at: <https://www.lawof.in/faculty-development-program-fdp-by-ims-law-college-noida/> (last visited on Jan. 30, 2025).

allies, particularly those who viewed CLE as non-essential from the point of view of the profession, was another knot that had to be addressed. This was slowly overcome through demonstrable models such as clinical students assisting in PIL, facilitating dispute resolution in local forums, or helping improve legal awareness in rural areas. Such tangible social outcomes helped build legitimacy for CLE, not just as an academic model but as a civic enterprise aligned with constitutional ideals.

Technologically speaking, the shift to online platforms accelerated the digitisation of clinical programs. Virtual legal aid clinics, e-mediation, and online client counselling became viable, scalable alternatives to physical models. This digital leap not only increased access but also made CLE more resilient, inclusive, and adaptable to contemporary legal realities.

Recent developments in India have significantly advanced the integration of legal technology into law education and practice, especially within CLE frameworks. This include training in legal tech tools. In fact many law schools and bar associations now offer training in digital legal research databases like SCC Online, Manupatra, Casemine, and tools like Live Law and Indian Kanoon. These platforms help students conduct efficient case-law research, statutory interpretation, and legal drafting.

Institutions such as National Law Universities (NLUs) and private law schools have developed virtual moot court platforms to simulate courtroom proceedings. Tools like Jus Mundi, Moot Court Bench, and university-specific interfaces enable students to practice procedural law, argumentation, and evidence presentation in real time.

Several Indian law firms and legal-tech start-ups are promoting the use of AI-based case management systems like Legitquest,⁶⁸ which is a home-grown AI-powered legal research and litigation management platform, and Practice League,⁶⁹ which is a comprehensive law practice management and enterprise legal tech suite used across more than 10,000 lawyers and leading Indian firms. These tools assist students and young advocates in organizing case files, tracking citations, preparing briefs, and scheduling hearings—skills essential for litigation and legal aid work.

Such developmental tools are of immense use, thereby expanding the arena of CLE, wherein students can link caselaw research directly to clinical cases, learn automated drafting, and explore AI-based argumentation support. They enable students to simulate case handling end to end, practice contract drafting/negotiation workflows, and experience legal project tracking.

68 Generative AI for Professionals, *available at*: <https://www.legitquest.com/> (last visited on Jan 30, 2025).

69 Shaping Today, Empowering Tomorrow, *available at*: <https://www.practiceleague.com/> (last visited on July 30, 2025).

Integrating social justice with legal pedagogy is what led to anchoring CLE as a transformative force into the Indian legal education system. In view of the same, it would be safe to state that CLE has now emerged from being a peripheral activity to actually becoming the lead actor, in the sense, the fundamental mainstay of legal educational reforms in India.

VI Suggestions

Firstly, The UGC, BCI, National Legal Services Authority (NALSA)⁷⁰ and the Law Commission need to deliberate and revamp the arena of clinical legal study. Focus should be laid and provision need to be made for providing professional training to law students to make justice accessible to needy and indigent citizens with the aid of law school clinics. An addendum to this suggestion would be the Justice Ventures International-supported Justice Hub at the National Law University, Delhi.⁷¹ This initiative demonstrates how law school clinics can become dynamic centres for community outreach, legal literacy, and access to justice. By engaging students in real-world cases such as representing victims of bonded labour or assisting in the rehabilitation of trafficked persons the clinic not only enriches their professional training but also directly serves marginalized populations. Such models underscore the potential of CLE as both a pedagogical tool and a mechanism for social justice.

Secondly, The clinics at the current stage are engaged in creating legal awareness on general law subjects, pamphlet distribution, conducting surveys, campaigning on human rights issues, conducting street plays and the like. An addendum to this would be, establishing clinics at law schools should be oriented to adapt specialized methodology all over India. Here the law students would be eyeing on key topics such as availing government schemes, resolving tenancy issues at preliminary level, housing matters, deeds and registrations, applying and obtaining documents which can be channelized through digital aid. This would hone the knack of students and assist them to elect their specialized field in the legal profession. Further, it would also be advantageous as students after being accustomed to preliminary work would be able to dive into the pool of practice.

Thirdly, For instructing and teaching CLE, it is pertinent to constitute a team that would comprise of faculty from the law discipline, lawyers who have standing practice before the law courts and the tutors who are blend of faculty as well as lawyers with standing practice. Such tutors would be able to disseminate knowledge on classroom component and also practical aspects of clinical legal study. This would weave the gap that exists between the theory and practice.

70 National Legal Services Authority, *available at*: nalsa.gov.in (last visited on Apr. 29, 2025).

71 Justice Ventures International, *available at*: <https://justiceventures.org/> (last visited on July 30, 2025).

Fourthly, At large, a regular faculty cannot practice and a practicing advocate cannot teach. This is fortified in the legal regime⁷² that exists in India which clearly distinguishes academia from the bar. Added to this, there is inability on part of the faculty from law field to espouse the students to legal practice at the nascent stage of legal education at the law schools, which exasperates the very objective of the law clinics. However, the hiatus would be bridged by the lawyers who would professionally train the students. This would further create a constructive result that would be visible in case CLE at law schools accepts and approves the collaborative approach of academia and bar. Thus, law students would develop an acumen for legal drafting especially PILs, consumer cases, matters before the Police Complaints Authority amongst others.

Fifthly, It is equally germane that the clinical instructors are recruited with appropriate incentives and are not overburdened with other works being a faculty of law schools. Clarifying this suggestion, CLE requires hands-on, practice-oriented teaching, often involving live-client interactions, legal aid work, court visits, and simulations. These tasks demand not only academic expertise but also practical legal experience, time commitment, and close student mentoring. If clinical instructors are treated merely as regular faculty with additional CLE responsibilities, without any structural support or incentive, the quality of clinical programs can writhe relentlessly.

Sixthly, Emphasis should be laid on the alternative methods of dispute resolution to reduce the pendency of cases and ease the burden of the courts. It is a lesson learnt the hard way that global movements considerably weakened because of reeling pandemic. Hence, it is advisable to keep the curriculum of CLE flexible that would suit the exigencies of time, in cases of exceptions.

Seventhly, Academic activities that are clinically inclined must involve ongoing skill-based training with full support from the BCI, State Bar Councils, and Non-Governmental Organizations (NGOs). Greater participation from advocates and members of the judiciary as experts would also enhance practical legal learning. This suggestion emphasizes that CLE should not remain a peripheral academic exercise but evolve into a continuous, skill-based training platform, fully supported by the BCI, State Bar Councils, NGOs, and legal professionals. This collaborative approach enriches the learning experience by blending theoretical knowledge with real-world legal problem-solving.

Eighthly, Maximum effort has to be made to ensure availability of free legal aid clinics with financial assistance from authorities under Legal Services Authorities Act, 1987 and other bodies, each academic year for better dissemination of legal services to the members of the society.

72 Bar Council of India Rules, 1975, r. 49.

Ninthly, The pandemic has undoubtedly driven CLE into the virtual showground redesigning its verbose terrain. The law faculty that is involved in teaching of clinical law subjects must encourage students to accustom themselves to the digital teaching-learning pedagogy. To effectively implement CLE in the post-pandemic digital era, law faculties must embrace innovative, technology-driven methods. Virtual legal aid clinics can be established, allowing students to interact with clients through video conferencing, with real-time supervision by faculty and legal professionals.

Tenthly, The law students at the clinics must be channelized to create quality work that would have long term and lasting impact. The projects undertaken by these students, surveys conducted, research papers published must not be limited to creating only legal awareness, but the report of the research or the project must be submitted to the stakeholders for policy formulation and appropriate action. It is also important that academic credit should be given to the faculty or the instructors supervising or administering the students who have undertaken the research projects. Such an approach ensures that CLE contributes meaningfully to both legal reform and social justice. Recognising the efforts of faculty through academic credit will further encourage sustained mentorship and institutional commitment.

VII Conclusion

CLE is one practical element of law learning that enables its teachers to re-invent their methodology in a way that meets students' needs in a more comprehensive and updated manner. However, one must keep in mind that, with a densely populated nation like ours, lakhs of people still have very limited access to justice due to various socio-economic factors.⁷³ This is where, CLE steps in and serves the legal needs of those that are denied smooth access to the same.

The COVID-19 pandemic has positively driven legal education institutions as well as its students towards the path of making noteworthy contributions to the domestic legal system of India and its development.

Most institutions disseminating legal knowledge and education have taken to the virtual mode of learning during the pandemic as a result of which they have acquired various virtual platforms to familiarize the teaching fraternity and students with the online teaching-learning experience. Continued constructive exposure to such virtual portals with an aim of carrying out simulation exercises for law learning can certainly be instrumental in making the law lectures more engaging and interesting.

Education in the legal arena is now looking forward towards creation of lucrative opportunities to pioneer the present-day legal education in its clinical form through improvised digital education, becoming tech-friendly, designing a top-notch syllabus

73 *Supra* note 5 at 252.

with the aid of necessary e-resources, for legal professionals that will be sent out into the world in the near future.

Expansion of networking with various stakeholders such as lawyers forum, NGOs, Law firms, Bar Associations, and the like would give more exposure to the law students in the field, make them explore resources and help them learn and grow better. In fact digital platform serves as a medium for the students and faculty of law clinics to discuss with their respective tie ups on the agenda and the course of action that is adopted for the ground work.

Thus, in changing times, law clinics would be foreseen as a source that is expected to bring desired transformation that would be beneficial for the community. *Finally*, quality law clinics that would create professionally competent candidates and at the same time, make justice accessible to the needy at law schools through the hands of the students, that have industrialized research aptitude alongside analytical knowledge of the law with communication skills and have imbibed societal and humanitarian morals relating to the legal course while adhering to the standards of professional ethics, is the need of the hour. Though, pandemic times have ended for now, that phase has given mankind a teachable moment in the form of innovation in areas of CLE, which did not seem possible. To highlight precisely, tough times teach one to innovate, however, what is important is to maintain the relevance of innovative teachings.

Thus, the knots in the journey of CLE in India, ranging from conceptual ambiguities and institutional inertia to faculty shortages and infrastructural constraints, have been gradually untied through regulatory reforms, academic dedication, professional collaboration, and technological innovation. CLE has matured into a lively, dynamic, and socially attentive model of legal education that not only equips students with practical skills but also instills a strong sense of public duty and constitutional morality. The journey, however, continues, but the path is now much more flexible than earlier times.

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