



NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM

PROGRAMME:

B.A.LL.B (HONS.)

DETAILS OF COURSE OFFERED

9TH SEMESTER – ACADEMIC YEAR

SL. No	COURSE CODE	COURSE TITLE	L	T
	902	PIL	03	01

A. CODE AND TITLE OF THE COURSE: 9.3

B. COURSE CREDIT: 05 (TOTAL MARKS 100)

C. MEDIUM OF INSTRUCTION: ENGLISH

D. COURSE COMPILED BY: HIMANGSHU RANJAN NATH

E. COURSE INSTRUCTOR: HIMANGSHU RANJAN NATH

1. COURSE OBJECTIVES:

India is having a rich legal system which is accessible and well known to a significant degree in form and content. In our society reliance on law has been so great that the government has passed well-intended laws to solve the various problems of the society. But there is no progress in the implementation of these legislations which in turn created a dissatisfaction and popular distrust amongst the people on the functioning of the legal system wherein people are not able to understand the language of law. Hence individual access to court or a guarantee of legal representation remains virtually discordant. The fundamentals of access to justice include recognition of grievances, awareness about legal advice and assistance, access to court, claim for relief and enforcement of reliefs.

Furthermore, for the middle class who cannot afford their services to go to individual lawyers or publicity funded legal aid services organized under the Legal Service Authorities Act. Consequently, it is the poor and marginalised rural and tribal communities who are left out and are given to suffer injustice or seek justice through informal systems including the so-called “Khap-Panchayats”. In such a prevailing situation in the countryside provides fertile ground for exploitation of the poor. Therefore, to be able to deliver appropriate legal services to the rural and tribal communities, we need an alternate justice delivery system with a different model of legal services provides in rural and tribal areas particularly and the society in general.

The mainstream law schools today are not clear of their mission and legal educators are blindly following the Bar Council-prescribed court and corporate centric curriculum providing law graduates unfit to serve the justice needs of the tribal and rural communities with such litigation-oriented advocates, even a well-intentioned legal aid scheme cannot deliver justice to the poor and marginalized sections in villages.

Therefore, the objective of this paper is to nurture a kind of social responsibility in the mind of upcoming lawyers. It is expected that the paper will help the law graduates to become a part of their community to disseminate the legal basic knowledge among the innocent-illiterate common masses.

2. TEACHING METHODOLOGY:

The teaching methodology shall be participatory teaching with discussions on need and value of Legal Aid & Para-legal Services, role of statutory bodies in promoting legal aid and awareness among the ignorant and helpless masses, importance and development of public interest lawyering in India. The students will be informed in advance the topic of discussion, the topic of project or assignment. They are suggested to prepare their assignments from the sources suggested and are encouraged to research independently from other authentic sources. The students are required to present their assigned topic in the class room and the teacher summarized the same, welcome questions and present critical reflection if any.

3. CASE LAW REPORTER/JOURNALS:

Students are suggested to go through the exclusive case law reports corresponding Legal Aid & Para Legal Service and cases relating Public Interest Litigation as All India Reporter, Supreme Court Cases, Delhi Law Times, Delhi Law Review, Gauhati Law Reporter, Judgement Today etc. The relevant journals in this area include Nayadeep, Journal of Indian Law Institute, National Law School of India Review, Journal of Constitutional & Parliamentary Studies, Harvard Journal on Legislation, Oxford Journal of Legal Studies etc. The students are also suggested to go through the periodicals like Economic and Political Weekly, Yojna, India Today, Civil Service Chronicle, Frontline etc. for understanding contemporary issues relating to Legal Aid& Para Legal Service and Public Interest Lawyering in India.

4. PRESCRIBED READINGS:

There are plethora of books on Public Interest Lawyering and Legal Aid available in the NLUA Library which may assist the students' to study and understand the gravity of the subject matter. The preferred books for the course includes - Public Interest Litigation - B. L. Wadehra, Public Interest Litigation - P. M. Bakshi, People, Public Interest Litigation, Legal Aid, Lok Adalats & Para-Legal Services - N. V. Paranjape, The Rights Revolution: Lawyers, Activists, And Supreme Courts in Comparative Perspective - R. Epp. Charles, Legal Service, Public Interest Litigations and Para-Legal Services – Dr S S Sharma, Indian Constitutional Law – M P Jain, Public Interest Lawyering, Legal Aid and Para-Legal Services – Dr Kailash Rai, Public Interest Lawyering, Legal Aid and Para-Legal Services – Ajay Gulati etc.

5. COURSE EVALUATION METHOD:

The course is assessed for 100 Marks divided between written examination for 70 marks and practical evaluation of 30 marks. The examination will be run on a traditional closed-book format. The written examination will be for 70 marks at the end of the semester. The structure of the examination (duration, number of questions, etc.) will be notified to the students in due course by the examination department. Being a practical paper, as per the norms laid down by the Bar Council of India, for this paper students have to participate in at least one legal literacy camp organised by the University and shall have to submit a report (minimum 20 pages) for the completion of this course for practical assessment. Students will have to appear in a viva-voce at the end of the course as a part of their practical evaluation of this paper.

The distribution of marks for this paper is as follows:

Written Examination: 70 Marks (End Semester Examination)

Report on Legal Literacy Camp: 20 Marks

Viva-Voce: 10 Marks

6. EXPECTED OUTCOMES OF THE COURSE:

Public Interest Lawyering, Legal Aid and Para-Legal Services has proven to be one of the important areas to be taught to the lawyers to develop their carrier. The course is framed to train the students to file a PIL on a matter of social issue and how to respond in a matter of PIL. The legal aid and para-legal service to the eligible person is a matter of social concern, therefore this course is framed to address the various social issues by organising legal awareness or literacy camps. Being a practical paper, students must have to attend legal aid clinic. The expected outcomes of the course are:

- To nurture a culture of social engineering in the mind of budding lawyers
- Be able to understand public interest lawyering and should be capable to file PIL
- Have exposure to legal aid clinic and client counselling
- Be able to organise legal literacy camp and legal awareness camp

7. DETAILED STRUCTURE OF THE COURSE:

Section-A (70 Marks)

Module I:

Public interest Lawyering & Public Interest Litigation

1. Public Interest Lawyering – Meaning, Nature and Scope
 - Public Interest Lawyering in India
2. Public Interest Litigation – Meaning, Nature and Scope
 - PIL as a Weapon to Protect the Rights of Have-nots'
 - PIL and Criminal Justice Administration
 - Role of PIL in Protecting Environment and Ecology
 - PIL and Gender Justice
 - PIL as a Strategic Arm of Legal Aid Movement
 - Abuse of PIL
3. Procedure to File PIL

Module II:

Legal Aid, Lok Adalat and Para Legal Service

1. Access to Justice – National and International Perspective
 - Access to Justice and Women
 - Access to Justice and Children
 - Access to Justice Have-nots'
2. Legal Aid – Meaning, Need and Significance
 - Legal Aid: Global Perspective
 - Origin and Development of Legal Aid in India
 - Constitutional Mandates
 - Legal Aid as a Fundamental Right
 - Legal Aid as a DPSP
 - Other Statutory Provisions
 - Amicus Curiae
3. Para Legal Service – Meaning, Scope and Importance
4. Clinical Legal Education – Meaning, Practice and Relevance

Module III:

1. Legal Service Authorities Act, 1987
 - Salient features of the Legal Service Authorities Act, 1987
 - National Legal Service Authority
 - State Legal Service Authority
 - District Legal Service Authority
 - Taluk Legal Service Committee
2. Lok Adalat – Concept and Significance
 - Constitution and jurisdiction
 - Cognizance of cases
 - Permanent Lok Adalat

Section-B (30 Marks)

1. Report on Legal literacy Camp – 20 Marks

- Students have to participate in one legal literacy camp organised by the University and have to submit one report (Minimum 20 pages).
2. Viva-voce – 10 Marks

8. LIST OF RELEVANT PRINT AND ONLINE RESOURCES:

1. Agarwal S. L., Supreme Court of India: Wisdom of Judges, Prentice Hall of India, New Delhi, 1992
2. Ahuja Sangeeta, People, Law and Justice - A Casebook of PIL, Orient Longman, Hyderabad, 1997
3. Anthony M. J., Social Action Through Courts: Landmark judgments in PIL, ISI, New Delhi, 1993
4. Bakshi P.M., Public Interest Litigation, Second Edition, Asoka Law House, New Delhi, 2006
5. Chandra Geetanjali, Public Interest Litigation and Environmental Protection, Deep and Deep Publications Pvt. Ltd., New Delhi, 2005
6. Charles R. Epp., The Rights Revolution: Lawyers, Activists, and Supreme Courts in Comparative Perspective, Oxford University Press, New Delhi, 1998
7. Gaur K D, Legal Aid and Legal Service in India, World Peace Through Law Center, 1979
8. Gulati Ajay, Public Interest Lawyering, Legal Aid and Para-Legal Services, 1st Edition, Central Law Publications, Allahabad, 2009
9. Juneja P. C., Equal Access to Justice, Bright Law House, Rohtak, 1993
10. Jain Sampat, Public Interest Litigation, Second Edition, Deep and Deep Publications Pvt Ltd, New Delhi, 2003
11. Jain M P, Indian Constitutional Law, 7th Edn., 2014 (Reprint) LexisNexis, Gurgaon
12. Menon N. R. Madhava (Dr), Judicial Education & Training: A Premier, S. C. Sarkar & Sons (P) Ltd., Calcutta, 2000
13. Murlidhar S., Law, Poverty and Legal Aid, Butterworth, New Delhi, 2004
14. Mukherjee Roma, Women, Law and Free legal Aid in India, Deep and Deep Publication, 1998

15. Narayana P. S. (Justice), Public Interest Litigation, Asia Law House, Hyderabad, 2011
16. Pandey J N, The Constitutional Law of India, 49th Edn., 2012, Central Law Agency, Allahabad
17. Paranjape N. V., Public Interest Litigation, Legal Aid, Lok Adalats & Para-Legal Services, Central Law Agency, Allahabad, 2006
18. Rai Kailash (Dr), The Constitutional Law of India, Central Law Publications, Allahabad
19. Rai Kailash (Dr), Public Interest Lawyering, Legal Aid and Para-Legal Services, 6th Edition, Central Law Publications, Allahabad, 2009
20. Razzaque Jona, Public Interest Environmental Litigation in India, Pakistan, and Bangladesh, Wolters Kluwer, New Delhi, 2009
21. Reddy G B & Rao, V Geet, Judiciary in India-Constitutional perspectives, Asia Law House, Hyderabad
22. Sarkar S. K., Public interest Litigations, 3rd Edition, Orient Publishing Co., Allahabad, 2012
23. Sarkar S. K., Public interest Litigations and Public Nuisances, Orient Publishing Co., Allahabad, 2006
24. Sathe S.P. Judicial Activism in India: Transcending Borders and Enforcing Limits, Oxford University Publication, New Delhi, 2001
25. Sharma, S S (Dr), Legal Service, Public Interest Litigations and Para-Legal Services, 2nd Edition, Central Law Agency, Allahabad, 2006
26. Shribastava A B (Justice), Legal Service Authorities Act, Law Publishers India Ltd., Delhi, 2002
27. Wadehra B. L., Public Interest Litigation: A Hand Book, 2nd Edition, Universal Law Publishing Co. P. Ltd., New Delhi, 2009