
REFORMING CLINICAL LEGAL EDUCATION IN INDIA: BRIDGING THE GAP BETWEEN LEGAL THEORY AND PRACTICE

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ABSTRACT

Clinical Legal Education (CLE) in India is an eminent component, which helps in bridging the gap between legal theory and practical application. With its essence embedded in experiential learning, CLE helps law students by playing an important role in gaining skills such as legal drafting, research, interviewing, and client counselling, while nurturing empathy and social justice in them. The motive of this paper is to explore the roots of origin, historical background, and the changes that have occurred through time in CLE, analysing the significance in the legal curriculum, and examining current practices in India. Though legal aid cells are present in many law schools, due to poor planning, the existing systems remain inefficient, lack proper training, and have insufficient institutional support, making them inadequate to address real- legal world challenges. This research delves into crucial judgments and the role of the Supreme Court and highlights major challenges, encompassing outdated approaches and limited engagement. Analysis compared with global CLE models draws insights. The study concludes with proposals that will help in strengthening CLE in India and includes a questionnaire-based assessment for practical understanding. If properly and coherently implemented and integrated, CLE can transform legal education and can help students to serve society more effectively.

Keywords: Legal Education, Clinical Legal Education, Legal aid, Social Justice

INTRODUCTION

The State shall secure that the operation of the legal system promotes justice, on a 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".

Article 39-A, Constitution of India

Legal education plays a significant role in socialising the next generation of lawyers, judges and public policy makers. As someone who can gatekeep the profession, law school plays a vital opportunity and obligation to make access to justice underprivileged society .

In India, legal education offers aspiring lawyers through various programs offered by universities and specialised law school courses like 3 year law courses or 5 year integrated law courses such as BBA LLB, BA LLB, B.COM LLB, BLS LLB, these programs can be pursued after a bachelor's degree like BA, BBA, B.COM , BSC, BTECH etc, or as part of an integrated course. The BCI, State governments, affiliating universities, and the UGC regulate legal education in India. There are various institutions, including Government Law colleges, private law colleges ,national law universities and deemed to be universities like Symbiosis Law School, Bhartiya Vidyapeeth Deemed to be University, OP Jindal, Government Law College, UPES etc.

Clinical legal education provides learning which allows students to grasp the practical application of law, so that they have a deeper understanding of connecting the dots between legal principles and real life situations. The purpose of this article is to highlight the importance of Clinical Legal Education (CLE) in helping law students gain practical legal knowledge while also making justice more accessible to the underprivileged society. Although CLE is included in many law school curriculums, it is often treated as a mere formality rather than considering it important for law school. This paper explores how CLE has developed over time, the major challenges we face in its implementation today, and offers realistic recommendations to strengthen its impact in Indian legal education and society.

CLINICAL LEGAL EDUCATION

➤ DEFINITIONS

The term ‘Clinical Legal Education’ can be theoretically defined in various ways:

By Richard Lewis as “*Clinical Legal Education is essentially multi-disciplined, multipurpose education which can develop the human resources and idealism needed to strengthen the legal system, ... a lawyer, product of such education would be able to contribute to national development and social change in a much more constructive manner.*”¹

By National Legal Services Authority (India) as “*CLE is a teaching methodology used in law schools to provide law students with practical experience while sensitising them towards social responsibility and legal empowerment of the marginalized.*”²

By Bloch & Prasad as “*Clinical legal education refers to the learning opportunities provided to law students through supervised participation in real or simulated legal work.*”³

By N. R. Madhava Menon as “*A learning environment where students identify, research and apply knowledge in a setting which replicates, at least in part, the world where it is practiced. It almost inevitably means that the student takes on some aspect of a case and conducts this as it would be conducted in the real world.*”⁴

➤ ETYMOLOGY

The term Clinical Legal Education (CLE) originated from the “clinical method” used in medical schools, where students learn through practical experience. Similarly, CLE emphasizes more on practical learning over theoretical learning, encouraging law students to develop practical skills through legal aid, client counselling, and real-life based legal work. CLE first took place in the United States as a response to overly theoretical legal education.⁵ It later spread to other countries such as the UK and South Africa, and eventually reached India in the 1960s and 1970s through the Legal Aid and Legal Education Reform

¹ Richard Lewis, ‘Clinical Legal Education Revisited’ (2000) 13 Dokkyo International Review 149, 5

² Somlata Sharma, ‘Clinical Legal Education in India – An Analysis’ (2021) 2 Asian Journal of Multidisciplinary Research & Review 145

³ Frank S Bloch and MRK Prasad, ‘Institutionalising a Social Justice Mission for Clinical Legal Education: Cross-national Currents from India and the United States’ (2007) 15(2) Legal Education Digest 12

⁴ N R Madhava Menon, Clinical Legal Education (Eastern Book Company 1998) ch 2, 25

⁵ Richard Grimes, Legal Education: Assessment and the Clinical Method (1996)

Movement.⁶In India, CLE has come to stand for both professional legal training and a tool for promoting access to justice for the underprivileged.⁷

➤ SCOPE

1. Legal Aid Clinics: CLE provides an opportunity for students to assist real clients through legal aid clinics, it helps people who cannot afford lawyers. *Example: Students from faculty of law in Delhi regularly help residents in Govindpuri slums with documentation and legal queries.*

2..Legal literacy and Awareness Camps: CLE motivates students to conduct legal awareness drives so that they are totally aware about their rights and entitlements. *Example: Law students at NLSIU Bangalore organised a literacy camp on domestic violence laws for women in a rural Karnataka village for awareness.*

3. Moot Courts and Mock Trials: Through moot courts, students learn courtroom formality, legal drafting, and oral argument skills in a mock setting. *Example: Private law schools like Symbiosis Law School hosts mock trials where students argue criminal cases based on real-life based situations which gives a hands-on experience.*

4. Mediation and Alternative Dispute Resolution (ADR): CLE includes training in peaceful conflict resolution methods like mediation or arbitration. *Example: National Law University like NALSAR Hyderabad runs an ADR centre where students help settle neighbourhood disputes without litigation which help them in broadening their legal knowledge.*

5. Client Counselling and Interviewing:

Students are trained to interconnect with clients, ask the right questions, and provide principles of right and wrong.

Example: In GNLU's Legal Aid Clinic, students counsel victims of cyber fraud with help from faculty and cybercrime lawyers which offers a platform to develop their skill of client

⁶ S K Jha, 'Clinical Legal Education' (Scribd, 2014) <https://www.scribd.com/doc/242976584/112610996-Clinical-Legal-Education-Jha> accessed 17 June 2025

⁷ 'Clinical Legal Education in India | Open Justice' (Open University, 1 February 2004) <https://university.open.ac.uk/open-justice/blog/clinical-legal-education-india> accessed 16 June 2025

interaction.

➤ ADVANTAGES

1. CLE connects the Gap Between Theory and Practice: CLE helps students apply their academic knowledge in a real-life environment making learning more important and concrete.

Example: Students working in legal aid clinics learn how actual client problems are determined by using laws they studied in class.

2. CLE Develops Lawyering Skills: It trains students in basic skills like legal drafting, interviewing, client counselling, verbal argumentation, and courtroom behaviour.

Example: Through moot courts and mock trials at private universities like Symbiosis Law school for their betterment.

3. CLE Promotes Access to Justice: By providing free legal aid and awareness, CLE supports the ultimate principles of providing equal justice for all. *Example: Legal Aid Clinics at NLU Delhi offer basic legal help to daily wage workers which helps them in gaining social justice.*

4. CLE enhances Critical Thinking and Problem Solving
Working on live cases helps students think independently, analyse facts deeply, and find innovative lawful substitutes. *Example: Students study a PIL on environmental pollution and they can connect law with science and policy for better understanding.*

HISTORY AND DEVELOPMENT

The origins of CLE in India can be traced back to the “Legal Education and Legal Aid Reform Movements”. Under colonial control of British rule, Indian legal education adhered to the conventional concept of training clerks rather than managers or advocates.⁸ During British rule, the main aim of legal education in India was to serve the financial interests of the United Kingdom. It was not meant to improve or reform the Indian legal profession at the local level. After India gained independence, people began to see legal education differently and were now expected to reflect the country’s own goals as supporting justice, democracy, and equality. Law

⁸ Somlata Sharma, ‘Clinical Legal Education in India – An Analysis’ (2021) 2 *Asian Journal of Multidisciplinary Research & Review* 147, 147–48

colleges were seen as places that could help bring justice to the people, especially through legal aid. But before clinical legal education came in, legal education in India did not give much importance to practical training or work related to social justice. Students mostly sat through lectures, studied theory, and memorised laws. There was hardly any space for hands-on experience or learning how to actually practice law. The system focused so much on theory that learning practical skills didn't seem important or even welcome. The concept suggested that law graduates would acquire knowledge and skills pertaining to the legal profession upon commencing their professional practice.⁹ Clinical Legal Education (CLE) in India began in the 1960 evolving from the Legal Aid and Legal Education Reform Movements. In 1949 the Bombay Legal Education Committee suggested that students who wanted to become lawyers should be required to take practical training.¹⁰ They recommended teaching methods like group discussions, lectures, and moot court competitions to help students better understand how the law works in real life.

The "Law Commission" in its 14th Report given in 1958 has recognised the importance of professional education and the requirement for a combination of vocational training as well as academics. It is advisable that individuals who are interested in pursuing the career in practicing law in the courts should complement their university education with a specialised professional degree that focuses on practical skills.¹¹ The Commission's report aimed to improve the overall quality of legal education in the country. As a result, in 1977, the Bar Council of India (BCI) recommended that practical, hands-on training should be included in the law school curriculum. The "University Grants Commission (UGC)" reports have significantly influenced the development of CLE. These reports have defined the goals of reformed education, which include enhancing students' receptiveness to learning and their ability to showcase their comprehension of the law. In 1997, the study led to a significant focus on "clinical legal education".¹² The core idea behind this type of education is to help students build professional legal skills and to encourage law schools to actively take part in promoting social justice for the people. The Law Commission of India recommended in a 2002 study that CLE shall compulsorily be taught. Currently, Indian law schools have established several

⁹ Somlata Sharma, 'Clinical Legal Education in India – An Analysis' (2021) 2 *Asian Journal of Multidisciplinary Research & Review* 147, 147–48

¹⁰ *ibid*

¹¹ Law Commission of India, *Report on Reform of Judicial Administration* (Law Com No 14, 1958) vol 1, 531–32

¹² *ibid*

"legal aid cells" where students, mostly without supervision or oversight of faculty, offer legal assistance directly to individuals.¹³

➤ ANALYSIS

The idea of legal aid is helping people who can't afford lawyers. Firstly it was known in 1851, France, where a law was introduced to help poor people get legal help. In Britain, a big step came in 1944 when a committee was formed by Lord Chancellor Viscount Simon. This group looked into what legal help was available for poor people in England and Wales, and gave suggestions on how to make sure everyone could get legal advice, no matter how much money they had. Legal aid is not just for people who are already in court. It's for anyone who needs legal help, even if they are just facing a legal issue in everyday life.

As U.S. Justice Blackmun once said in *Jackson v. Bishop* ¹⁴says that, "The concept of seeking justice cannot be equated with the value of dollars, money plays no role in seeking justice.”.

In India, **Article 39A of the Indian Constitution** the government must make sure that the legal system gives justice equally to all . This includes providing free legal aid so that no one is denied justice just because they are underprivileged or unable to fight a legal case on their own.¹⁵

Under **Section 304 of the Criminal Procedure Code**, the government must provide legal help from the very first time an accused person is brought before a judge. This help must continue every time they appear in court. In 1952, the Indian government began seriously talking about legal aid in meetings of Law Ministers and Law Commissions. In 1960, some basic rules were created for legal aid programs. ¹⁶Different states started their own legal aid schemes through boards, societies, and law departments. In 1980, a special national-level committee was created under Justice P.N. Bhagwati (a Supreme Court judge at the time) to manage and supervise legal aid work across India. ¹⁷This was called **CILAS (Committee for Implementing Legal Aid**

¹³ Law Commission of India, *The Legal Education & Professional Training and Proposals for Amendments to the Advocates Act, 1961 and the University Grants Commission Act, 1956* (Law Com No 184, 2002) para 9.15

¹⁴ *Jackson v Bishop* 404 F.2d 571 (8th Cir 1968)

¹⁵ 'Article 39A: Equal Justice and Free Legal Aid' (*Constitution of India*) <https://www.constitutionofindia.net/articles/article-39a-equal-justice-and-free-legal-aid/> accessed 16 June 2025

¹⁶ Suchitra Yadav, 'Article 39A – Issues in Implementing Free Legal Aid Scheme' (*ipleaders*, 11 August 2018)

¹⁷ *ibid*

Schemes). It played a big role in making sure legal aid was actually reaching people. A major breakthrough came with the introduction of Lok Adalats—special courts that help settle disputes through discussion and compromise. These made justice faster and easier for many.¹⁸ To give a solid legal backing to these efforts, the government passed the **Legal Services Authorities Act in 1987**, which came into full effect in 1995. This made legal aid a law, with a proper system in place across the country. It also introduced a new national body called the National Legal Services Authority (NALSA), which would be answerable to Parliament but remain independent from government interference.¹⁹ The legal aid system was now focused on making legal process more accessible. It encourages people to do out of court settlements like arbitration, mediation etc. They help people who qualify under three key tests: the Means Test, Prima Facie Test, Reasonableness. This system has helped bring justice to people who actually need it most, especially people who are often left behind due to lack of money or legal knowledge.

SUPREME COURT ON LEGAL AID

The linkage between Article 21 and the right to free legal aid was forged in the decision in **Hussainara Khatoon v. State of Bihar**²⁰, where the court was appalled at the plight of thousands of undertrials languishing in the jails in Bihar for years on end without ever being represented by a lawyer. The court declared that "there can be no doubt that speedy trial, and by speedy trial, we mean reasonably expeditious trial, is an integral and essential part of the fundamental right to life and liberty enshrined in Article 21." The court pointed out that Article 39-A emphasised that free legal service was an inalienable element of 'reasonable, fair, and just' procedure and that the right to free legal services was implicit in the guarantee of Article 21. In his inimitable style Justice Bhagwati declared: "Legal aid is really nothing else but equal justice in action. Legal aid is in fact the delivery system of social justice. If free legal services are not provided to such an accused, the trial itself may run the risk of being vitiated as contravening Article 21 and we have no doubt that every State Government would try to avoid such a possible eventuality". In **Suk Das v. Union Territory of Arunachal Pradesh**²¹, and said "It may therefore now be taken as settled law that free legal assistance at State cost is a

¹⁸ 'Lok Adalat - National Legal Services Authority (NALSA)' <https://nalsa.gov.in/lok-adalat> accessed 10 June 2025

¹⁹ Legal Services Authorities Act 1987, long title s 3, and Notification SO 893(E) dated 9 November 1995

²⁰ *Hussainara Khatoon v State of Bihar* (1979) 3 SCR 532, AIR 1979 SC 1369 (SC)

²¹ *Suk Das v Union Territory of Arunachal Pradesh* (1986) 2 SCC 401, AIR 1986 SC 991

fundamental right of a person accused of an offence which may involve jeopardy to his life or personal liberty and this fundamental right is implicit in the requirement of reasonable, fair and just procedures prescribed by Article 21." This part of the narration would be incomplete without referring to the other astute architect of human rights jurisprudence, Justice Krishna Iyer. In **State of Maharashtra v. Manubhai Pragaji Vashi**,²² the Supreme Court clearly stated that access to justice isn't possible without proper legal education. It held that the State has a constitutional duty to invest in legal education, especially to ensure that poor and marginalised people get quality legal aid through well-trained lawyers. In **Khatiri v state of Bihar**²³, the Supreme Court held that free legal aid must be provided at the very first appearance of an accused before the magistrate, not later. The Court emphasised that legal support is a right, not a luxury, especially for the poor and underprivileged. Denying it is a violation of Article 21 of the Constitution (Right to Life and Personal Liberty).

CHALLENGES

Pursuant to orders of the Supreme Court dated June 29, 2009 and October 6, 2009 in case of **Bar Council of India vs. Bonnie FOI Law College & Ors**,²⁴ a 3-Member Committee on Reform of Legal Education was constituted which has discussed various challenges in legal education.²⁵

➤ Dead Aid Clinics: Legal Aid as a "Wall Poster" Project

Several law colleges in India display "legal aid clinic" boards, yet these clinics often exist only as a symbol of wall poster project with little impact that too in some colleges, mostly these clinics do not function regularly. This creates a problem for both students and local people to witness the real benefits of clinical legal education and access to justice. It is essential to set clear, concise targets for each month which are achievable for clinics, ensuring that there is a consistent engagement and people can utilise clinical legal aids at its utmost potential. It serves as a platform for practicing lawyers as supervisors can infuse real-world expertise and mentorship, while structured collaboration with District Legal Services Authorities (DLSA) can provide a steady stream of cases, resources, and institutional credibility. Appreciating and

²² *State of Maharashtra v Manubhai Pragaji Vashi* (1995) 5 SCC 730, AIR 1996 SC 1

²³ *Khatiri (II) v State of Bihar* (1981) 1 SCC 627, AIR 1981 SC 92

²⁴ *Bar Council of India v Bonnie Foi Law College and Others* (2017) 11 SCC 188 (SC)

²⁵ Suresh V Nadagouda, An Analysis of Clinical Legal Education in India: Initiatives in Karnataka (PhD thesis, Bangalore University)

rewarding the best-performing students with certificates, awards or academic credits will further incentivise excellence and they will actively participate for the sense of recognition. These clinics should be active in law colleges as it is really a great initiative to help both aspiring lawyers and local communities. The Supreme Court in

State of Maharashtra v Manubhai Pragaji Vashi²⁶ has underscored the constitutional importance of practical legal education and its role in advancing social justice.

A case study below is of covid 19 pandemic and it shows how important it is to regulate legal aid clinics not only in NLUs but in every law college.

Gujarat National Law University, Gandhinagar (GNLU)

Students and alumni of Gujarat National Law University, Gandhinagar assisted migrant labourers during the COVID-19 pandemic to make their journey back home easier.²⁷ They collaborated with another clinic, Zenith Legal Aid Clinic in Madhya Pradesh in order to provide shelter, food and conveyance to migrant labourers to return to their homes.²⁸

➤ The Class Divide in Clinical Exposure: Law as a Privileged Profession

The class divide in clinical legal education in India is very evident, students from elite law schools gain hands-on experience and mentorship, while those in rural or lesser-known colleges are limited to basic legal knowledge. There is a shortage of resources in these colleges which often turn legal aid clinics into a formality, widening the access gap that CLE was meant to close. National CLE exchange programs, online awareness, and targeted government funding for rural legal aid clinics are essential for addressing these issues.

➤ Faculty Apathy and Curriculum Tokenism: Who Teaches CLE?

Faculty apathy and curriculum tokenism are major barriers to effective Clinical Legal Education (CLE) in India. Most law faculty lack training in CLE methodologies and have little to no incentive to supervise legal aid initiatives or live projects, as these efforts are rarely

²⁶ State of Maharashtra v Manubhai Pragaji Vashi (1995) 5 SCC 730 (SC)

²⁷ Gujarat National Law University Legal Services Committee, Migrants Assistance Project – Status Report (23 March) <https://gnlu.ac.in/GNLU/Legal-Service-Committee#parentVerticalTab7> accessed 11 June 2025

²⁸ Gujarat National Law University Legal Services Committee, Migrants Assistance Project – Status Report (23 March) <https://gnlu.ac.in/GNLU/Legal-Service-Committee#parentVerticalTab7> accessed 11 June 2025

appreciated or recognised. CLE is often deprived in the curriculum, sometimes allotted only two credits, making it a symbolic rather than significant component of legal education.

This issue can be solved by Targeted reforms, faculty certification programs in CLE can be introduced so that faculty has specific expertise; UGC-funded CLE fellowships can provide resources and recognition for faculty engagement so that more faculty members take interest; and performance-based promotion incentives must reward those who actively contribute to clinical teaching,

RECOMMENDATION

Clinical Legal Education (CLE) must be a core part of the curriculum for effective legal learning in law school. Bar Council of India (BCI) has made significant efforts to formalise CLE but its full integration faces challenges which can be changed accordingly.

- The Bar Council of India can amend rules to allow all law professors to practice while teaching clinical legal aid and encourage law schools to dedicate faculty and offer academic credits for clinic participation, so that students can actively participate.
- Law school administrators, including vice-chancellors, can allocate resources for hiring faculty and maintaining low student-teacher ratios in clinic classes for fostering CLE.
- Law professors play a crucial role in implementing sustainable clinics.
- Non-governmental organisations (NGOs) can collaborate with law schools to enhance social work by funding or giving ideas and advance the social justice mission of legal education.
- Legal services authorities can broaden the aspect of legal aid by supporting law schools to provide accessible legal assistance.
- Furthermore, funding agencies can support law-school-based clinical legal aid, so that it can strengthen democracy and governance.

Despite the BCI's initiatives, CLE's integration remains problematic due to a lack of consistent effort from law schools which is also important. A 2011 United Nations Development

Programme (UNDP) study, revealed that while 82% of surveyed law schools with legal aid cells had faculty supervisors, 63% did not award academic credits, and faculty workloads weren't reduced which is a big problem. This study also highlighted that local communities were often unaware of the free legal services offered and could not use available resources efficiently.²⁹ An empirical study was conducted on 'Reforming Clinical Legal Education through Collective Action by the Stakeholders' at the Jindal Global Law School under the supervision of Professor Ajay Pandey, in which the study resulted in six key recommendations i.e (i) the promotion of collective action amongst law schools; (ii) the establishment of a law school collective in every region across India. Each region would comprise of at least 20 law schools to collaborate and resolve the social justice scenario in that region and report back on activities, exchange ideas and offer feedback; (iii) law schools in general need to be aligned with the objective of legal aid as provided for in law. Legal Aid has to be perceived as a necessity and law schools are the key stakeholders in providing free legal aid; (iv) full-time commitment of law schools for maintaining consistency, continuity and sustainability of efforts; (v) encourage the involvement of students beyond just the law school community and (vi) convergence of efforts of various stakeholders, including civil society, government and academia.³⁰

CONCLUSION

In conclusion only a handful of national law universities and private law schools impart clinical legal education. It is important that the Bar Council of India along with judicial committees as well as the government implement Clinical Legal Education across the 2000+ law schools in the country to shape the career of aspiring lawyers.³¹ Legal education which is socially relevant requires adequate planning, strategy, effort and consistency amongst its stakeholders. The people who vision this are bound to act on behalf of the vulnerable communities, the common people of India, , the labourers ,the unemployed and the homeless. This article examined the origins, scope, Supreme Court take on legal aid and current state of Clinical Legal Education (CLE) in India. Despite its recognition as a vital tool for practical skills and access to justice,

²⁹ United Nations Development Programme India, *Access to Justice for Marginalised People: A Study of Law School-Based Legal Service Clinics* (UNDP, 10 March 2023) <https://www.undp.org/india/publications/study-law-school-based-legal-services-clinics> accessed 18 June 2025

³⁰ Ajay Pandey, *Reforming Clinical Legal Education through Collective Action by the Stakeholders at the Jindal Global Law School* (working draft)

³¹ Jitendra Kumar and Jutirani Talukdar, 'Clinical Legal Education in India' (2020) 2(3) *International Journal of Legal Science and Innovation* 383

CLE continues to face issues such as it is moreover a dead legal aid because it is not implemented in many law colleges as it should be, lack of faculty involvement, and a wide disparity between elite and non-elite law schools. If CLE remains underdeveloped, law graduates will continue to lack practical skills, and underserved communities will remain deprived of the legal assistance they deserve. Effective transformation in legal education requires commitment, collaboration, and courage.

" A robust CLE system, when fully realized, can empower students not just to learn law, but to live it, serve society, and drive social change from the grassroots. "

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