

ABSTRACT OF

**THE INDIAN LAWYER
AS SOCIAL INNOVATOR**

Legal Aid in India

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DURING THE COURSE OF A year at the Indian Law Institute in New Delhi, the author was able to make a number of observations about Indian lawyers through his experiences in trying to help develop a more effective legal aid program. The deficiencies of the legal aid system in India and the author's inability to begin to assist in their correction reveals significant characteristics of the legal profession in India.

A number of attempts have been made to establish a comprehensive legal aid scheme throughout India. Thus far, despite legislation at both the state and national levels, and numerous conferences on the subject, only four states have any operational program. Furthermore, the author was told of incidents of indigent criminal accuseds going undefended in district court trials in Delhi and Calcutta. Individual lawyers claim to handle many cases without fee, but the author learned that these cases appear to involve primarily relatives or fellow caste or village members and this informal system is, therefore, inadequate in the urban situation. Lawyers, individually and collectively, invariably professed recognition of this inadequacy and urged state support for legal aid. Emergency conditions have prevented the Government, however, from pursuing such secondary social goals with large resource allotments. Many young lawyers are so economically marginal in their profession that lawyer respondents took "legal aid" to mean aid to indigent lawyers. The few prosperous and successful lawyers practice individually and lack a following of junior assistants, who might have the time to devote

to social projects deemed desirable by the senior advocate employing them. Thus, the profession is not organized to encourage the development of legal aid programs.

The fact that certain funds made available by the Government for legal aid to certain classes of persons go largely unused each year indicates that the problem goes beyond lack of resources. Traditional prejudice was reflected in the negative response to the author's suggestion that present schemes for aid to Scheduled Castes and Tribes *be fully* implemented. Furthermore, Indian law schools, while modeled after the Western system, have not included as an element in the curriculum or as a recognized extracurricular activity, social service work on the part of students. Respondents were skeptical about the use of law students as assistants in legal aid cases. This skepticism may be a reflection of the professional isolation of the academic lawyer in India. Legal education would not seem to stimulate social innovation.

The author concludes that changes needed to improve the administration and implementation of legal aid programs must come both in the organization of the bar and in the content of legal education.