

Nirma University
Institute of Law
B. A.,LL. B.(Hons.) and B.Com.,LL. B. (Hons.) Programme
Academic Year 2018-19
Institute Elective

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Course Code	2IE1013
Course Title	Public Interest Lawyering

At the end of the course, students will be able to:

1. Develop perspective on Access to Justice.
2. Apply the principles of public interest lawyering.

Syllabus.

Teaching Hours: 60 hrs.

Unit-I Access to Justice and Public Interest Lawyering: An Introduction 6 Hours

- 1.1 Why study Public Interest Lawyering: Nature and Scope of PIL
- 1.2 History of Access to Justice Movement: Some Examples from Across the World including India.
- 1.3 Right to Access to Justice: Means and End of Justice
- 1.4 Various shades of Public Interest Lawyering: Public Interest Litigation, Pro Bono Legal Aid and Assistance, Class Action.

Unit-II Public Interest Litigation (PIL)

4 Hours

- 2.1 PIL in India: Origin and Development
- 2.2 PIL: Concept, Nature and Scope and Limitation in India
- 2.3 PIL: Jurisdiction, and Grounds for Maintenance
- 2.4 PIL and Rule of Locus Standi
- 2.5 PIL: Special Remedy and Special Procedure (Non Adversarial and inquisitorial Jurisdiction)

w.e.f. academic year 2018-19 and onwards

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Unit-III PIL and its impact and relevance on Sectors and Groups **10 Hours**

- 3.1 Socially, Economically, and culturally disadvantaged groups
- 3.2 PIL and Human Rights.
 - 3.2.1 Civil and Political Rights (Prisoners, custodial violence, disappearance, police brutality.
 - 3.2.2 Economic, Social and Cultural Rights (food, health, education, livelihood etc.)
 - 3.2.3 Group Rights (e.g. Child, Women, Persons with Disability, Dalit, Tribal, Religious Minority, Sexual Minority, Labour etc.)
 - 3.2.4 Environment

Unit-IV Design and Preparation for Initiating a PIL: Manner and Craft **10 Hours**

- 4.1 Preparatory Phase: Stakeholder analysis. Research, Use of RTI, participation of stakeholders, media advocacy etc.
- 4.2 Litigation Phase
- 4.3 Post litigation phase: Participative monitoring, social audit, use of RTI and media advocacy.

Unit-V Legal aid and free Legal Aid (FLA) in India **4 Hours**

- 5.1 Origin, History and Evolution of LA.
- 5.2 FLA: Object, Scope and Purpose (Need).
- 5.3 Free Legal Aid: Mandate, Criteria, Eligibility and Entitlement Constitution of India, Code of Criminal Procedure. Code of Civil Procedure and NLSAA.

Unit VI Legal Services Authorities: Government and Non-Governmental Structure and mechanism in India **4 Hours**

- 6.1 Three Tier Legal Services Authority (SLSA, DLSA and TLSC): Constitution and function
- 6.2 Supreme Court and High Court Legal Services Committees: Constitution and function,
- 6.3 Other Non-Governmental Models (UNDPA2) Program in India and Civil Society A21 Models and Interventions)
- 6.4 National and State Legal Aid Fund

Unit-VII Alternate Dispute Redressal Mechanism: Lok Adalat and Pre-litigation Settlement-

- 6 Hours**
- 7.1 Lok Adalat: Meaning and Significance, organization, constitution of Lok Adalat
- 7.2 Jurisdiction, Cognizance, Procedure and Award of Lok Adalat
- 7.3 Pre Litigation Settlement (Permanent Lok Adalat)

w.e.f. academic year 2018-19 and onwards

Unit-IX Law Clinic, Legal Awareness and Literacy: Manner and Craft

10 Hours

- 9.1 Law Clinic: Object, Scope and Purpose
- 9.2 Situation Analysis, Needs Assessment and Vulnerability Mapping
- 9.3 Content Development and Dissemination
- 9.4 Conceptualizing and Planning Legal Literacy Campaigns / Camps
- 9.5 Community Mobilization and Organizing of Campaign / Camps
- 9.6 Identification of Problem and plan of follow up actions

Unit-X Limitation & Challenges: Future of Access to Justice and Innovative Solutions

6 Hours

- 10.1 PIL: Publicity vs. Public
- 10.2 Abuse of PIL for Political and Private Gains
- 10.3 Gap in expected and real impact of PIL
- 10.4 Gap in convergence of PIL, Policy and Practice.
- 10.5 Poor Legal Aid Infrastructure and Human Resources
- 10.6 Pendency and Speedy Trials: Situation Analysis of Pendency and Backlog.

Suggested Readings:

1. BHUWANIA, A. (2016). Public Interest Litigation in Post-Emergency *COURTING THE PEOPLE*. S.I.: CAMBRIDGE UNIV PRESS.
2. K.G., Balakrishnan. (2008) Growth of PIL in India: Annual Address by Former Chief Justice of India. Singapore Academy of Law.
3. Murali, K., 2016, Institutional Apathy towards Under trial Prisoners. *Economic and Political Weekly Vol. No. 31(47)* 3936-3938.
4. Rai, A., (2012) *Public Interest Lawyering, Legal Aid and Para Legal Services*. Allahabad, India: Central Law Publication.
5. Rao, Mamta. (2010) *Public Interest Litigation, Legal Aid and Lok Adalat*. Lucknow, India: Eastern Book Co.
6. Cappelletti, M. (1983). Access to Justice and the Welfare State. *Michigan Law Review*, 81(4), 1006. doi:10.2307/1288427
7. Mittal, R., & Sreemithun, K. V. (2012). *Legal aid: Catalyst for social change*. New Delhi: Satyam Law International.
8. Moog, R. S. (1991). Conflict and Compromise: The Politics of Lok Adalats in Varanasi District. *Law & Society Review*, 25(3), 545. doi:10.2307/3053726
9. Sarkar, S. K. (2003). *Public interest litigations and public nuisances*. New Delhi: Orient Pub.
10. Sen, Sarbani. (2012) *Public Interest Litigation in India: Implications for Law and Development*. Kolkata, India: Mahanirban Calcutta Research Group.
11. Singh, Sujana. (1996) *Legal Aid-Human Right to Equality*. New Delhi, India: Deep & Deep Publications.

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12. Baxi, Upendra (1985) "Taking Suffering Seriously: Social Action Litigation in the Supreme Court of India," *Third World Legal Studies*, 58-83 (1982);
13. Baxi, Upendra. (1975) Legal Assistance to the Poor: A Critique of the Expert Committee Report. *Economic and Political Weekly*, Vol. No. 10(27). 1005-1013.
14. Nagraj, V. (1996) *Cases and Materials on Legal Aid and Para legal Services*. Bangalore. India: National Law School of Indian University.
15. Iyer, V.R, Krishna. (2004). *Rhetoric versus reality: Essays on human rights, justice, democratic values*. Gurgaon: Hope India Publications.
16. Iyer, V. R., Krishna. (1993) *Access to Justice: A Case for Basic Change*. New Delhi, India: B.R. Pub. Corp.

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