

“Why Good Intentions are Not Enough?": the Messy Reality of Clinics.

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by Harsh Mahaseth, Assistant Professor at Jindal Global Law School, O.P. Jindal Global University, India, and a Visiting Faculty at Mahindra University, India; and Sonal Sinha, a final year law student in India.

A lawyer graduating fresh out of law school is brimming with good intentions and has his prospects put at odds with the social, economic, cultural, and political situation in his community. What is he to do? To take up the cause of society would be any righteous man's first choice, but is it really all that 'decision-making' it takes to determine the interests and priorities of a community? And what of the lawyering style and technique? Is lawyering only intended to reflect judicial remedies for the client?

The answer is all in the concept of *community lawyering*. As literally as it reads, a lawyer who tends to take up the cause of the community through his law training would be a community or a cause lawyer. A lawyer, in this case, takes on a variety of roles, where he becomes an active member of the community and identifies with the unique issues and priorities of the community at large. It's not that simple in practice. A lawyer has to take roles not identified with the mainstream activities of law practitioners.

Lawyering techniques such as this- are principally identified with social movements and transformative goals. Most of them are needed while addressing various groups such as *scheduled castes, scheduled tribes, women, and children* among others. Besides, their representation within India's Directive Principles of State Policy has emphatically delineated from ideals of social justice. Their inclusion as constitutionally- backwards has been owing to their historic status of mainstream marginalization.

To face it straight-up community lawyering right after graduating from law school might be a daunting task. Training in largely unpredictable real issues might not be an experience readily available in law schools. However, the most pertinent of our discussions around how effective is legal education in India after all, is worthwhile in considering lawyering for a social cause. Since most of the law schools have government-free policy-forming dies, they hardly tend to be involved in deciding 'community intervention' to prevent social problem-solving processes, client-centred lawyering, different approaches to non-legal measures and ownership and control over the matters concerning their clients.

Nevertheless, the Bar Council of India recognizes all law schools across the robust frontiers of the country. It requires four practical papers on – '*Moot Court Exercise and Internship*,' '*Drafting, Pleading and Conveyancing*,' '*Professional Ethics and Professional Accounting System*,' and '*Alternate Dispute Resolution*.'

Let's take, for example, the Narmada River Dam in Gujarat which demonstrates the conflict between development and community social justice lawyering. The Narmada Bachao Andolan (NBA) was started as an advocacy group to represent the interest of 'to-be' displaced people and their struggle for resettlement and rehabilitation. Despite several litigation and non-litigation measures, the Court verdict stood in no one's favour. The Bhopal gas victims laid ajar an astonishing forefront for social justice— the missing political power and bargaining capacity of 'newly' graduated lawyers- it is perhaps the missing gap, in comparative advantage and economic growth. As its intentions proclaim stand out to produce successful court practitioners, however, the entire outcome of producing social engineers falls short of expectations. The curriculum is taught as an extension to substantive law classes, which meets unevenly with unorganized and unsystematic implementation, and is poorly designed to give experiential learning requirements- keeping law students at mere 'observer's eye status.'

Instead of law reforms, what we need is 'collaborative' and 'rebellious advocacy' for the upcoming generation of law graduates, inducted into practice. To enable them to make informed decisions about choosing from a wide range of legal and non-legal mechanisms to further community agenda, and merely not mirror them and their needs. The missing essence is that of the underlying economic and political situations which do not materialize into effective collective bargaining agents in the democratic political process. Political subordination and political suppression set the perfect stage for community-lawyering to thrive and has worked wonders for 'greatest activist' like personalities such as— B.R.Ambedkar, Mohandas K. Gandhi, and Jawaharlal Nehru.

In fact, successful social movements do not necessarily need a lawyer at all the answer lies in non-traditional legal approaches, unfamiliar and distant to community-lawyering strategies because it is dichotomous, lying between legal and political strategies. It is revealed in one of the U.S. most powerful watershed movements of all time- The Stonewall Riots, the impact and legacy of which is celebrated worldwide. It has maintained its influence on America's LGBTQ community, the civil rights movement, and American politics in general. Stonewall riots did not emerge as a planned 'non-litigation' measure. In the early hours of June 28, 1969, an unexpected Stonewall Inn raid sparked a riot when bar patrons and neighbourhood residents roughly agitated against the police crackdown.

Therefore, what we can gather as social justice initiatives is that- popular cultural ethos and political dilemmas which move the larger masses go unnoticed and unfelt in a typical law school environment. In the end, it's really about garnering political power at its immediacy, when it calls, to strike with powerful blows at the adverse interests of some sycophant political bureaucrat in mainstream mass propaganda. In a country setting like that of India, where there is diversity in every aspect of the Nation- social, economic, political, cultural, religious, and linguistic- it's hard to keep constituencies from not conflicting with one another, let alone furthering a cause-lawyering. What we need is a 'political mass-spectre' to heal the social welfare mechanism. Such a situation calls for

political game-changing power-pawning across different constituencies, where community lawyering strategies are taken up where they are needed. And as for those court-based litigation mechanisms, it's as if pigs could fly!

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