Inculcation of Pro Bono Culture in Legal Profession – Requisite Modifications for contemporary challenges in India

K.Pushpavanam

Assistant Professor of Law,
The Central Law College, Salem, India

Abstract: Access to justice is a cherished goal of the Constitution - Reflected in Article 39A of the Constitution of India - To give spirit to the letters of the Article 39A- Numerous steps taken and formulas provided- Divided into two main compartments- Legal Aid Service -Pro bono services- Legal aid is sourced from the state mechanism and institutions - Pro bono services are based on individual lawyers and law firm.

Index Terms: Pro Bono, Legal Aid, Article 39A, Constitution of India, Legal profession, Contemporary challenges, State Mechanism.

Introduction:

Pro Bono Publico is a latin phrase which literally translates 'for the good of the people'. Since the dawn of independence, the legal profession is often referred as a noble profession in India, owing to the objectives of service to humankind which it is directed towards. The lawyers in India held incomparable and indispensable role in the Indian National Movement which was not only aimed at 'Independence from foreign rule' but also mainly focussed on helping the masses who were deprived of their Civil and Political rights. With the strength of their 'Legal Education' they obtained from England, these educated men and women i,e Lawyers had decided to play a game of wits instead of weaponry to liberate the estimated population of 30 Crore people from the bondage, and paved the way for the Indians to get back their long due freedom. It must be noted that our Father of Nation Mahatma Gandhi who is a lawyer on his return to India had walked all over the Nation to devise a feasible approach for devising Historical movements like Dandi March, Civil Disobedience Movement, Quit India Movement and so on. It is evident that the sole objective of all these movements is 'for the good of the people' that can be translated in latin as 'Pro Bono Publico'. Apart from Mahatma Gandhi, several other Lawyers including Pandit Jawaharlal Nehru the first prime minister of Independent India, Dr.Rajendra Prasad the first President of Indian Republic, Dr.B.R.Ambedkar who is the head of Constitution drafting committee are all Lawyers who rendered their invaluable service to the masses in a Pro Bono Publico manner. It must be noted that even an unmatched Revolutionary like Bhagath Singh had took the recourse to 'The Trial of Court' to send his message across the nation to the masses. It can be stated that through his act of throwing bombs in a Parliament ensued by his surrender to the Police, he had deliberately invited a trial against himself to reach out to the masses.

Therefore it can be inferred that even before the mandate was laid to the State Authority via Article 39A of the Constitution of India[1] and decades before the Rule 48 of the Standards of Professional Conduct and Etiquette[2] imparted that the free legal assistance to the indigent and oppressed as the highest obligation which an Advocate owes to a society, the concept of Pro Bono Publico had already lasted in India already, which required only a Regulation or Regulating mechanism.

Pro Bono Services and Legal Aid Services in India- Legal Provisions and Framework:

i. Legal Aid Services:

To give spirit to the letters of Article 39A of the Constitution of India, there were numerous steps taken and formulas provided, which could be divided into two main compartments, namely, 'Legal Aid Services' and 'Pro Bono Services', while the former (Legal Aid Services) is sourced from the State Mechanism and State Institutions and the latter (Pro Bono Services) are based on Individual lawyers and law firms on providing legal services to the needy and indigent either free of cost or at very low rate. It must be noted that in India, so far the term 'Pro Bono' or 'Pro Bono Litigation' was not formally defined by any enactments, schemes or by any legal body. That in the absence of any

[1] Inserted by the Constitution (Forty-second Amendment) Act, 1976, Sec.8..

[2] Standards of Professional Conduct and Etiquette to be Observed by Advocates Standards of Professional Conduct and Etiquette (Made by the Bar Council of India under Section 49(1)(c) of the Advocates Act, 1961)

universal definition, the term Pro Bono shall be defined as 'The Provision of legal services on a free or significantly reduced fee basis'[3].

As far as the 'Legal Aid Services' sourced from the State Mechanism is concerned, the Government of India had enacted 'The Legal Services Authorities Act,1987' in furtherance to the Articles 14, 22(1) and 39A of the Constitution of India that obligates the State to ensure that every person is treated equally before the law and further obligates to promote justice on the basis of Equal opportunity to all and to provide free legal aid by enacting suitable legislation or schemes and further casts a duty on the State to ensure that opportunities for securing justice are not denied to any citizen due to their economic or other disabilities. That the aforesaid Legal Services Authorities Act,1987 came into effect with the four fold objects as follows,

i. Constitution of Legal Services Authorities for providing competent legal services free of cost to the weaker sections of the societies by the way of establishing a nationwide uniform network.
ii. Ensuring that the opportunities for securing justice are not denied to any citizen citing his economic or other disabilities.
iii. To organise Lok Adalats.
iv. For securing that the operation of the Indian legal system is promoting justice on a basis of equal opportunity.

That among the aforesaid four fold objectives, the Primary object of the Legal Services Authorities Act, 1987 provides for the establishment of hierarchal framework of institutions in National level (National Legal Services Authority), State level (State Legal Services Authority), District level (District Legal Services Authority), and Taluk level (Taluk Legal Services Committee) authorities in addition to the High Court legal services authority. Thus an nationwide network with National Legal Services Authority (NALSA) as its apex body was envisaged effective and economical schemes for legal services and to lay down policies and principles for making legal services available to the indigent persons[4]. Further the State Legal Services Authority (SLSA) in every state is constituted in accordance with the Section 6 of the Legal Services Authorities Act,1987[5], while the function of the State Legal Services Authorities are envisaged under Section 7 of the Legal Services Authority Act,1987 that lays down a mandate on the State Authority to give effect to the policy and directions of the Central Authority i,e National Legal Services Authority (NALSA) and to undertake preventive and strategic legal aid programmes[6] in addition to conducting Lok Adalats and providing legal services to the persons who are satisfied under the criteria laid down in the Legal Services Authorities Act,1987.[7] Taking the Legal Services to the grass root levels, the District Legal Services Authority (DLSA) for implementing the Legal Aid Programmes in every district is constituted with the District Judge as its ex officio chairman. Further the Taluk Legal Services Committee (TLSC) is also established in each Taluk for co ordinating the legal services in Taluk level with the Senior Civil Judge operating within its jurisdiction as an ex- officio chairman.

ii. Pro Bono Services:

While considering the scope and definition of pro bono, the American Bar Association's Standing Committee Pro Bono and Public Service (ABA Model Rule 6.1)[8], which forms part of the American Bar Association's Model Rule of Professional Conduct[9] is a strong reference point of the same. The definition for the terminology 'Pro Bono Publico Legal Services' is defined as mentioned below,

1. Legal services provided without fee or expectation of fee to
(a) persons of limited means, or
(b) charitable, religious, civic, community, governmental and educational organisations in matters that are designed primarily to address the needs of persons of limited means,
2. Any additional services provided through,
(a) delivery of legal services at no fee or substantially reduced fee to individuals, groups or organisations seeking to secure or protect civil rights, civil liberties or public rights, or charitable, religious, civic, community, governmental and educational organisations in matters in furtherance of their organisational purposes, where the payment of standard legal fees would significantly deplete the organisation's economic resources or would be otherwise inappropriate;

---

[3] Nandan Kamath and R. Seshank Shekar "Pro Bono" Legal Services In India: An Opportunity To Bridge The Access To Justice Gap.

[4] www.nalsa.gov.in
[5] Section 6 of The Legal Services Authorities Act, 1987.
[6] Section 7 of The Legal Services Authorities Act, 1987.
[7] Section 12 and 13 of The Legal Services Authorities Act, 1987.
[8] Standing Committee on Pro Bono and Public Service and the Center for Pro Bono "ABA Model Rule 6.1" (American Bar Association).
[9] American Bar Association, Center for Professional Responsibility "Model Rules of Professional Conduct: Table of Contents" (American Bar Association)

(b) delivery of legal services at a substantially reduced fee to persons of limited means,
(c) participation in activities for improving the law, legal system or the legal profession.

Another widely accepted definition of 'Pro Bono' was given by the United Kingdom (UK) in the Joint Pro Bono Protocol, that was endorsed by the Bar Council of England and Wales , by the law society of England and Wales and the Chartered Institute of Legal Executives. That the Article 1 of the aforesaid protocol defines "Pro Bono Legal Work" as 'Legal advice or representation provided by the lawyers in the public interest including to individuals, charities and community groups who cannot afford to pay for that advice or representation and where public and alternative means of funding are not available'. Furthermore, the said protocol went on clarify the 'Pro Bono Legal Work' as it will qualify as a 'Pro Bono' Legal work only if it is free to client, without payment to the lawyer or law firm (regardless of the outcome) and provided voluntarily either by the lawyer or his or her firm[10].

As far as Indian Judicial arena is concerned, while searching for the definition of the term 'Pro Bono', the similarities can be drawn between 'Pro Bono Legal Services' and 'Corporate Social Responsibility', whereas in a concept of 'Corporate Social Responsibility (CSR)', the companies and corporations integrate social concerns, environmental concerns and any other concern of the common mass is integrated with the business operations of the companies. For instance, in Singapore, the Corporate organisations like Intel, HP (Hewlett Packard) etc., are providing pro bono services, which adopt the programme by the way of mandating or committing the in- house attorneys of the respective companies to dedicate a portion of their working hour by the way of engaging in pro bono activities for the welfare of community by dispensing free legal representation to the poor.[11].

However in India, 'Legal Aid Service System' is institutionalised to some extent through the enactments like 'Legal Services Authorities Act,1987' and through the provisions of Constitution of India, the institutionalisation of 'Pro Bono Activities' requires persistent effort from the law makers and as well as the will of the legislature. Because, till date number of Advocates in India are engaged in a Pro Bono activities in the private sphere by providing the under privileged and poor clients with their valuable legal advice and assistance without getting any professional fees, However, these pro bono activities of the Advocates in India is in an ad hoc manner and there is a need for regulating this individualised measures within institutional structure. The perusal of the practices followed by the legal jurisdictions like United States(US) and United Kingdom (UK) in the aforesaid paragraph shows that unlike the United States and the United Kingdom, there is no systematic and sustained attempt for the institutionalisation of the Pro Bono activities in India except 'Nyaya Bandhu Platform'[12].

Measures for institutionalisation of Pro Bono Lawyering in India:

In the year of 2017, Ministry of Law and Justice, Government of India had launched 'Pro Bono Legal Services Scheme' as a first step for putting in place a 'Institutional Structure' for the promotion of 'Pro Bono Culture' in India. Through this scheme, a technological framework has been put in place, where the volunteering advocates for providing pro bono work can register as Pro Bono Advocates[13]. The applicants/ marginalised individuals who are seeking quality legal advice must satisfy the criteria laid down under Section 12 of the Legal Services Authorities Act,1987 and shall apply through the UMANG online platform or dedicated 'Nyaya Bandhu'. That after the due submission of application the applicant, he/she is eligible for entailment of 'Free Legal Advice & Free Legal Representation before courts' through the Advocate. The Advocates under this scheme will represent the cause of the applicants without any honorarium or financial assistance.

Since the launch of this scheme that aimed at institutionalising the 'Pro Bono Services' in India, more than 7 years has been passed. How ever the data presented in the Indian Parliament is revealing that only a meagre 2180 persons are benefitted in this scheme from the year 2017 to 2023[14]. Further the said data reveals that only 89 Law Schools[15] have joined the Pro Bono Club under this scheme and a total of 10629 Advocates had enrolled in this scheme as a Pro Bono Advocates[16].As per the data available, there are 750 million Smartphone users in India, as of the year 2021[17]. Therefore, initiating the measures of institutionalising the 'Pro Bono Services' in India must be primarily done

[10] Nandhan Kamath and R. Seshank Shekar "Pro Bono" Legal Services in India: An Opportunity to Bridge the Access to Justice Gap. Page.155-156.
[11] https://www.probono-doj.in/static/about-probono.php
[12] https://pib.gov.in/Pressreleaseshare.aspx?PRID=1910040
[13] Ibid,
[14] https://pib.gov.in/PressReleasePage.aspx?PRID=1909207
[15] As on 05.09.2023. https://www.probono-doj.in/list-of-law-schools.html
[16] Twitter post of Ministry of Law and Justice, Govt of India dated 11.12.2023. https://twitter.com/MLJ_GoI/status/1734179544121385079?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1734179544121385079%7Ctwgr%5E921d891e7ec4ebb84e65ce7a370cfad43141c7f5%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fpib.gov.in%2FPressReleaseIframePage.aspx%3FPRID%3D1985804
[17] https://economictimes.indiatimes.com/industry/cons-products/electronics/india-to-have-1-billion-smartphone-users-by-2026-deloitte/articleshow/89750324.cms?from=mdr

in the offline mode. It can be inferred that out of the 1.4 billion people in India, the considerable percentage of the aforesaid 750 million Smartphone users will not fall under the category of persons eligible for 'Free Legal Aid' under Section 12 of the Legal Services Authority Act, 1987. Even though, initiating such measures for the institutionalisation of the 'Pro Bono Services' must be welcomed, we must not stay oblivious to the fact that such measures straight away excludes the 'considerable portion of potential and eligible persons' from availing the legal services, solely for the reason that they do no possess a 'Smartphone' or they do not have an access to the 'Smartphone'. It is reiterated that using technological advancements for enhancing the 'access to justice' for all is a welcome measure, however in the ab initio level, it leaves out the millions of potential persons eligible for availing free legal service / Pro Bono service. For instance, a victim of Human Trafficking or a beggar who is entitled for Free Legal Services under Section 12 (b) of the Legal Services Act,1987 may be not in the possession of the smartphone in cases if he / she wishes to avail a 'Pro Bono Legal Services' through 'Nyaya Bandhu App'. Similarly, victims of mass disaster, ethnic violence, caste atrocity, drought, flood, earthquake, industrial disaster[18] may also not in the possession of the Smartphone, if they wish to avail the 'Pro Bono Legal Services' through 'Nyaya Bandhu App'. Therefore, in addition to the Web Portal and App based approach, ' A dedicated Toll-Free number' exclusively for availing the 'Pro Bono Services' shall be kickstarted.

Contemporary Challenges in inculcation of Pro Bono culture in Legal Profession:

i. Establishing a connection between Lawyers and Beneficiaries:

Even though there are Law Firms and several High Profile Independent lawyers who are eager and very much interested in engaging themselves with the pro-bono activities, there exists a 'communication gap' between the 'Beneficiaries' who are intended to get benefitted and the lawyers who are willing to assist the victims. Once this problem is addressed, it will pave way for the dent in the existing gap in Access to Justice in India. For instance, a victim lady residing in a Coastal rural backdrop in the down south of Tamil Nadu somewhere near Ramanathapuram wants to get either a legal advice or she wanted to engage an advocate for contesting the case on her behalf before the Hon'ble Madurai Bench of Madras High Court, she may not be able to communicate the 'Lawyers' who are ready to render Pro Bono Legal Services. Therefore, a dedicated toll-free number for pro-bono legal services will ease out the existing communication gap. Preferably, a control room for each district shall be created to manage the calls and attend the grievance received from the beneficiaries seeking legal help.

However, the 'Upgraded System' of this suggested mechanism is already in place, in the name of 'Nyaya Bandhu Scheme', which is discussed above. However, the dedicated toll free number shall be added as an add- on feature to the said scheme which will facilitate the common mass and truly deprived people who do not have an access to the smartphone will also get to be benefitted under this scheme.

ii. Integration of Pro Bono Services & Legal Aid Services:

As far the 'Legal Aid Services' are concerned, the statutory bodies created in virtue of the provisions of the 'Legal Services Authority Act,1987' namely 'National Legal Services Authority (NALSA), State Legal Services Authority (SLSA), District Legal Services Authority (DLSA), Taluk Legal Services Committee (TLSC)' are on behalf of the State are taking commendable measures for ensuring that the justice is accessible to all irrespective of their financial or social capacity. But as far as the 'Pro Bono Legal Services' is concerned, unlike the 'Legal Aid Services' it lacks the institutional mechanism or any Statutory bodies. However, through the 'Pro Bono Legal Services (Nyaya Bandhu) Programme, the quasi institutional structure is put in place in support of the 'Pro Bono Services', where through the online-portal, an aggrieved person or beneficiary shall apply for availing the 'Pro Bono Services'. However some beneficiaries will not be able to either apply through the online portal or through the dedicated Toll Free number. In such instances, the 'District Legal Services Authority' may be equipped with an additional wing for exclusively attending the 'Pro Bono requests'. Also an establishment of such centre will also serve as a follow up centre for the beneficiaries to visit in person and get to know about the status of their cases. If such mechanism is put in place, it will serve as a realisation of the concept that 'Individuals's effort is supplemented by State's support', while the 'Pro Bono Advocates' are the individuals and the Legal Service Authorities will serve as a representative of the State.

Such integration of 'Pro Bono Services' and 'Legal Aid Services' will yield twin benefits, while the 'Beneficiaries' shall get to follow their cases through the visit and the contributions of the 'Pro Bono Advocates' shall also be recorded in a due manner, which will get to be stored as a 'Permanent Record' or as a Publicly available information that will serve as an inspiration and motivation to others for contributing in a similar manner.

iii. Integration of Law Schools and Pro Bono Services:

As stated in the aforesaid headings, the State and its instrumentalities are taking their best efforts to implement the mandate of Article 39A of Constitution of India by taking several measures to ensure the 'last mile delivery' of justice. Among those measures, the most impressive and commendable step taken by the 'Ministry of Law and Justice,

[18] Section 12 (e) of the Legal Service Authorities Act,1987.

Government of India' is the establishment of 'Pro Bono Clubs' in the Law Schools[19] across the nation by giving effect to the provisions of the 'Pro Bono Club Scheme'[20] which is being operated in line with the provisions of the Standard Operating Procedure (SOP) on Pro Bono Club Scheme (PBCS)[21].

Sr.Adv.Mr. Colin Gonslaves[22] during his delivery of lecture in title 'Global and Indian Perspectives of Contemporary Equality Jurisprudence' that was delivered on the occasion of '5th CLS Credit Course on Equality Jurisprudence with legislative drafting' conducted by the 'Constitutional Law Society of National Law School, Odisha' on 02.03.2024 had opined that the involvement of the 'Law Student' in Pro Bono Services during his days in Law School is a decisive thing that will decide his course of future in the field of law. He went on to state that during his days in Law Schools as an Under Graduate student, he used to engage himself with the Non Governmental Organisations (NGO) involved in providing legal assistance to the Human Rights violation victims, which gifted him several contacts for him. Immediately after his enrolment, he started to get more number of briefs than his similarly placed newly enrolled advocates through the contacts that he assisted in human rights violation cases. Therefore, the engagement of Law Students in getting involved in Pro Bono activities will not only help them with their curricular activities, but also helps for their bright future. In this context, it is asserted that as a part of the Clinical Legal Education, the law students must be given a brief of cases pertaining to the victims who are seeking Pro Bono assistance, and they should render their assistance for the advocates who are taking up the cases for the cause of Pro Bono.

Hon'ble Justice V.R. Krishna Iyer once quoted that "The service mindedness acquired by students from legal aid work was thought to be a national gain that could influence the social sensitivity of the bar in the long run." Accordingly through the 'Pro Bono Club Scheme'[23] which is being operated in line with the provisions of the Standard Operating Procedure (SOP) of Pro Bono Club Scheme (PBCS)[24] is providing for the Law Schools across the nation to undertake series of activities for promoting 'Pro Bono Culture' in the law schools by engaging the Law students in Legal Drafting, Documentation and Legal Research which will be monitored and reviewed by the Ministry of Law and Justice, Government of India. However, till date only 89 Law Schools all over the nation had constituted a 'Pro Bono Club' in accordance with the Pro Bono Club Scheme (PBCS)[25]. That as per the data of Union Law Ministry, there are 1721 Law Schools in India.[26] It is pathetic that only 89 Law Schools out of 1721 Law Schools is having a Pro-Bono Club. Hence the need for constituting a Pro Bono Club in all the Law Schools in India is staring at our face, so that the knowledge gained by the Law Students will contribute to the National gain as quoted by Hon'ble Mr.Justice V.R.Krishna Iyer.

iv. Corporate Social Responsibility (CSR) and Pro Bono Litigations:

Social Responsibility is actually a normative theory suggesting that corporation sought to take actions which promote a role which is beneficial towards society. In simple words, the corporation ought to give "something" back to society[27]. CSR requires the organization to balance the need of all stakeholders with its need to make a profit and reward shareholders adequately.[28] A widely quoted definition by the World Business Council for Sustainable Development states that "Corporate social responsibility (CSR) is the continuing commitment by business to behave ethically and contribute to economic development while improving the quality of life of the workforce and their families as well as of the local community and society at large"[29].

Hence the time has come to experiment the application of the rule of 'Corporate Social Responsibility (CSR)' on Law firms that are earning exponentially, as they also owe a duty to give back to the society and to act in a beneficial manner to the society. Apart from the Law firms, the independent Law Practitioners shall also contribute financially towards the Pro Bono services undertaken by the State and its instrumentalities or towards the Non Profit Organsiations and Non Governmental Organisations those who are involved in the Pro Bono services. This financial contribution will ensure that even if the particular law firm or any independent practitioner whose practicing areas are inconsistent with Human Rights, Fundamental Rights, Rights vested with the people with Welfare legislations shall also contribute their

---

19 89 Law Schools as on 01.04.2024.

20 No.DISHA/NyayaBandhu/PBCs/02/2021 (efile: 6344)

21https://www.probono-doj.in/static/pdf/Revised%20SOP%20on%20PRO%20BONO%20CLUBS%20at%20Law%20Schools.pdf

22 Designated Senior Advocate of the Supreme Court of India and the founder of Human Rights Law Network.

23 No.DISHA/NyayaBandhu/PBCs/02/2021 (efile: 6344)

24https://www.probono-doj.in/static/pdf/Revised%20SOP%20on%20PRO%20BONO%20CLUBS%20at%20Law%20Schools.pdf

25ibid

26 https://www.barandbench.com/news/lawschools/1721-law-schools-in-india-more-than-twice-as-many-private-law-colleges-than-govt-law-colleges-law-minister

27 Kalpana Sharma, Corporate Social Responsibility (CSR) : An Overview of the Indian Perspective, (2016) 3.1 IJLPP 1.

28 Balakrishnam Muniapan and Mohan Dass, Corporate Social Responsibility : A philosophical Approach from an ancient Indian Perspective, International Journal of Indian Culture and Business Management 408, Vol. 1 No. 4 (2008).

29 Kalpana Sharma, Corporate Social Responsibility (CSR) : An Overview of the Indian Perspective, (2016) 3.1 IJLPP 1.

part in reducing the gap between the 'Beneficiaries' and their right to access justice. Also, such contributions shall be recognised as a pro bono activity. Also such measures will seed and spur the already existing pro bono institutions that plays critical roles for the creation of sustainable future of the Pro Bono culture.

Case study:

It is already suggested in one of the chapters above that the integration of 'Pro Bono Services' and 'Legal Aid Services' is a way forward approach in future for the sustenance of the Pro Bono culture in India in the absence of exclusive body / institution for overlooking the 'Pro Bono Services'. Even though the Legal Services Authority in National Level is formulating various schemes for fulfilling the preambular promise of the Constitution of India to secure its citizens with social, economic and political justice and co ordinating with the Legal Service Authorities at State level, District level and Taluk level. However the 'Legal Services Authorities' must be extra vigilant and must act in a pro active manner during times of emergency that demands rapid and urgent response like 'Natural disasters'.

During one such situation, while the 1/4th of population of the State of Tamil Nadu was severely affected by the 'December 2023 Floods' that affected around 8 districts of the State, several complaints in and around Thoothukudi district, State of Tamil Nadu was received by one Mr. E.Athisayakumar, who is a practicing advocate before the District Courts, Thoothukudi from the people of rural outskirts of Thoothukudi district as they all were isolated from transport connectivity, which had made the delivery of any essential services to reach those rural outskirts of Thoothukudi district as a herculean task. Apart from the essential services, several families have lost their valuable documents including the Family cards, which made it difficult for the affected people to even avail one time assistance amount of Rs.6000/- without any ID Proofs.

Subsequently, the aforesaid Advocate Mr.E.Athisayakumar had preferred a representation to the National level, State level and District level Legal Services Authorities with the request for the constitution of the 'Core Group' as mandated under Rule No.5 of the Scheme For Legal Services To Disaster Victims Through Legal Services Authorities devised by the National Legal Services Authority (NALSA). That the said Rule No.5 mandates the State Legal Service Authority (SLSA) to establish a 'Core Group' consisting of a Senior Judicial Officer of the district as well as the young lawyers of the local bar association including lady lawyers and Medical doctors and the Non Governmental Organisations accredited by the State Legal Services Authority. The 'Core Group' constituted in the wake of the Disasters is mandated as per the aforesaid scheme to spring into action for dispensing the duties listed out in this scheme as mentioned below,

1. Ensuring immediate help by Governmental and Non-Governmental Agencies to the victims.
2. Coordinating the activities of different departments of the Government and the NGOs for bringing immediate relief.
3. Supervising the distribution of relief materials.
4. Supervising the construction of temporary shelter or transporting the victims to a safer place.
5. Supervising the reunion of families.
6. Supervising the health care and sanitation of the victims and preventing the spread of epidemics.
7. Supervising the needs of women and children.
8. Ensuring the availability of food, medicine and drinking water.
9. Supervising the reconstruction of damaged dwelling houses.
10. Supervising the restoration of cattle and chattel.
11. Legal Awareness Programmes in the relief camps on the legal rights of the victims.
12. Organising Legal Aid Clinics in the affected areas for assisting in reconstruction of valuable documents.
13. Assisting the victims to get the benefits of the promises and assurances announced by the Government and Ministers.
14. Assisting in the rehabilitation, care and future education of orphaned children.
15. Taking steps for appropriate debt relief measures for the victims.
16. Assisting in the rehabilitation of the old and disabled who lost their supporting families.
17. Assisting in the problems relating to Insurance Policies.
18. Arranging Bank Loans for restarting the lost business and avocations.
19. Arranging for phyciatrist's help / counselling to the victims who are subjected to physiological shock and depression on account of the disaster.[30]

However the aforesaid Mr.E. Athisayakumar found that no such 'Core Group' was constituted in Thoothukudi district, seeing the plight of the victims of disasters, especially the plight of the 'Farmers' who are dependent on their cattle and chattel for their livelihood, which were lost in the flood and the plight of every family members who had lost their valuable documents including SSLC & HSC Certificates of the students, Degree Certificates, Passport, Driving License, Ration cards, Property deeds, Mr.E.Athisayakumar had approached the Hon'ble Madurai Bench of Madras High Court vide a Public Interest Writ Petition in WP(MD) No. 139 of 2024 seeking the constitution of the 'Core Group' for the effective implementation of the aforesaid scheme. However the Hon'ble Madurai Bench of Madras High Court had was not inclined to entertain the Writ Petition and dismissed the same[31].

[30] Rule No.4 of A Scheme For Legal Services To Disaster Victims Through Legal Services Authorities.

[31]

Out of our own interest, the author and the co-author of this paper had sought information by the way of 'Right To Information (RTI) Applications' from the 'Tamil Nadu State Legal Services Authority' as well as the 'District Legal Service Authorities' of the 8 Flood affected districts in the State of Tamil Nadu affected by the 'December 2023 floods'. While the RTI Reply had revealed the data as mentioned below,

District	Constitution of District level Core Group	Constitution of Taluk level Core Group	Legal Aid Clinics organised.	Report collected by the 'Core Group' submitted to the DLSA.
Chengalpattu	Not Constituted	Nil	Nil	Nil
Tirunelveli	Constituted on 28.12.2023	Constituted in 2 Taluks.	Organised on 29.12.2023 to 31.12.2023	Report forwarded to the District Collector.
Nagercoil	Constituted	Nil	Nil	Nil
Tiruvallur	Not constituted	Nil	Nil	Nil

The aforementioned table represents the fact that irrespective of drafting so many schemes using all the legal acumen of the finest brains of the nation, the implementation of those schemes in a timely manner is not in a rewarding manner to the 'Beneficiaries', for whose benefit those schemes were intended to serve.

Conclusion:

The way forward approach for inculcating Pro Bono Culture in Legal Profession and the requisite modifications in light of the contemporary challenges must primarily focus on the 'Institutionalisation' of the 'Pro Bono Legal Services' in India, by the way of strengthening the existing 'Nyaya Bandhu Scheme' launched in the year of 2017 by establishing a connection between lawyers and beneficiaries, integrating pro bono services and legal aid services, integrating law schools and pro bono services and implementing Corporate Social Responsibility for sustenance of the Pro Bono Services. However, we shall not rest in our laurels once every aforesaid suggestions are brought in the papers, the real challenge that we need to tackle is the callous indifferent attitude of the Executive in implementing the provisions of those enactments and schemes. Thus the onus of inculcating Pro Bono Culture in the Legal Profession not only rests solely with the Legal community, but with the will of the Legislature to institutionalise the Pro Bono Services and with the pro active measures of the Executive bodies including the Bar Council of India, National level, State level, District level and Taluk level Legal Service Authorities. To conclude, an excerpt from the short essay written by Hon'ble Mr. Justice V.R.Krishna Iyer is quoted here, "To Work is a Pleasure. To be in prison without doing any work is a punishment. The World progresses by work. Doing work is the way the world becomes better Human welfare is possible only if men are willing to work for the good of society. For the progress of the society depends on welfare work in public offices and institutions. The Constitution will be useful to society if work is productive and Social justice requires welfare work". Hence the duty to work in a right direction for inculcating the Pro Bono Culture in Legal Profession lies on the shoulders of Legislature, Executive as well as Judiciary, that we must strive to achieve for the betterment of the nation.

References:

1. Constitution (Forty-second Amendment) Act, 1976, Sec.8..
2. Standards of Professional Conduct and Etiquette to be Observed by Advocates Standards of Professional Conduct and Etiquette (Made by the Bar Council of India under Section 49(1)(c) of the Advocates Act, 1961)
3. Nandan Kamath and R. Seshank Shekar "Pro Bono" Legal Services In India: An Opportunity To Bridge The Access To Justice Gap.
4. The Legal Services Authorities Act, 1987.
5. Standing Committee on Pro Bono and Public Service and the Center for Pro Bono "ABA Model Rule 6.1" (American Bar Association).
6. American Bar Association, Center for Professional Responsibility "Model Rules of Professional Conduct: Table of Contents" (American Bar Association)
7. Kalpana Sharma, Corporate Social Responsibility (CSR) : An Overview of the Indian Perspective, (2016) 3.1 IJLPP 1.
8. Balakrishnam Muniapan and Mohan Dass, Corporate Social Responsibility : A philosophical Approach from an ancient Indian Perspective, International Journal of Indian Culture and Business Management 408, Vol. 1 No. 4 (2008).
I. A Scheme For Legal Services To Disaster Victims Through Legal Services Authorities.