

Pro Bono Practices and Opportunities in India¹

I. Introduction

India has an expansive history of legal aid, backed by several decades of legislation, jurisprudential interpretation, and numerous state-funded programs. However, its pro bono culture is still very much a work in progress. While certain pro bono legal services are organized and provided by a number of individual advocates, law firms, non-governmental organizations (“NGOs”), law schools and bar associations across the country, the demand for such services far exceeds the supply.

II. Overview of Pro Bono Practices

(a)	Professional Regulation	
	<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The Constitution of India is the supreme governing law in India. It guarantees certain fundamental rights for all citizens of India, prescribes directive principles of state policy, which are guidelines to the State to be incorporated or taken into account in the framing of legislations and policies and also sets out the fundamental duties for every Indian citizen.</p> <p>The Advocates Act, 1961, as amended (the “Advocates Act”) sets out the law relating to the legal practitioners, including the admission and enrollment of advocates, right to practice, duties of advocates and provides for the constitution of Bar Councils as well as the procedure for undertaking disciplinary proceedings against advocates.²</p> <p>The Bar Council of India Rules framed under the Advocates Act for, amongst other things, regulating matters related to the Bar Council of India and State Bar Councils, legal education, standards of professional conduct and etiquette of advocates, conditions for right to practice law in India and procedures for undertaking disciplinary proceedings.³</p> <p>The Legal Services Authorities Act, 1987, as amended by the Legal Services Authorities (Amendment) Act, 2002 (the “LSA Act”) aims to provide free and competent legal services to the weaker sections of the society.⁴</p> <p>Rules and Regulations framed under the LSA Act include the National Legal Services Authority</p>

¹ This chapter was drafted with the support of Jabarati Chandra and Rohini Sud of S&R Associates.

² Available at: <http://www.barcouncilofindia.org/wp-content/uploads/2010/05/Advocates-Act1961.pdf> (last visited on May 1, 2019).

³ Available at: https://indiacode.nic.in/handle/123456789/1631?view_type=search&sam_handle=123456789/1362 (last visited on May 1, 2019).

⁴ Available at: <https://indiacode.nic.in/bitstream/123456789/1925/1/198739.pdf> (last visited on May 1, 2019).

		<p>Rules, 1995; the Supreme Court Legal Services Committee Rules, 2000; the Permanent Lok Adalat (Other Terms and Conditions of Appointment of Chairman and Other Persons) Rules, 2003; the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010; the National Legal Services Authority (Legal Services Clinics) Regulations, 2011; National Legal Services Authority (Lok Adalat) Regulations, 2009 and the Supreme Court Legal Services Committee Regulations, 1996, each as amended.⁵</p>
	<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>Licensing requirements are governed by the Bar Council of India, set up under the Advocates Act.⁶ Students may pursue two different paths to obtain a law degree: (i) a three-year specialized course after obtaining an undergraduate degree, or (ii) a five-year integrated course after high school (i.e. completion of grade 12/ higher secondary education).⁷</p> <p>In order to practice law in India, a graduate from a recognized law school is required to enrol as an advocate with a State Bar Council. Following such enrolment, the law graduate is required to pass the All India Bar Examination, which is conducted by the Bar Council of India (this requirement was introduced in 2010). Until such time that the person clears the All India Bar Examination, the enrolment to the State Bar is on a temporary basis. Persons enrolled as advocates with any State Bar Council are entitled to practice law throughout the country.⁸ However, they may only plead matters in the court within the state in which they are enrolled. If such persons wish to plead their case outside the state in which they are enrolled, they may do so along with</p>

⁵ Available at: https://indiacode.nic.in/handle/123456789/1925?view_type=search&sam_handle=123456789/1362 (last visited on May 1, 2019).

⁶ The Advocates Act, No. 25 of 1961, INDIA CODE, available at <http://www.barcouncilofindia.org/wp-content/uploads/2010/05/Advocates-Act1961.pdf> (last visited on May 1, 2019).

⁷ Part IV of the Bar Council of India Rules (Legal Education Rules), 2008 available at https://indiacode.nic.in/ViewFileUploaded?path=AC_CEN_3_46_00001_196125_1517807320172/rulesindividuallyfile/&file=BCIRulesPartIV.pdf (last visited on May 1, 2019).

⁸ The Advocates Act, No. 25 of 1961, INDIA CODE, available at <http://www.barcouncilofindia.org/wp-content/uploads/2010/05/Advocates-Act1961.pdf> and <http://www.barcouncilofindia.org/about/all-india-bar-examination/> (last visited on May 1, 2019).

		<p>an advocate registered with the state bar in which the court is situated.⁹</p> <p>To be able to file matters in the Supreme Court, lawyers are required to qualify as Advocates-on-record (“AoR”) by clearing the AoR examination.¹⁰</p>
<p>(b) Pro Bono Practice and Culture</p>		
	<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>India’s Constitution, national legislations and Supreme Court jurisprudence collectively articulate the importance of broadly accessible legal aid.¹¹ The Supreme Court has interpreted the Constitution broadly with respect to rights of the underprivileged. For example, the Court has held that the right to free legal aid falls within the ambit of the right to life set out in Article 21 of the Constitution.¹² State subsidized legal aid is provided under the LSA Act. However, the provision of pro bono legal services is not regulated in India.</p> <p>Private attorneys are not mandated to undertake or report pro bono work. While individual advocates may contribute their time to public service activities, the work tends to be ad hoc and consequently difficult to organize or measure.</p> <p>Generally, matters are assigned by a court under the legal aid scheme to those lawyers who are empanelled on the Legal Services Committee constituted by the relevant state’s Legal Services Authority. The fee for legal services payable to such empanelled lawyers is typically determined in</p>

⁹ The matter was taken up to the Supreme Court in the case of *Jamshed Ansari v. High Court of Judicature at Allahabad & Ors.* (AIR 2016 SC 3997) wherein the constitutionality of such provision was challenged on the basis of unreasonable restrictions and that it prohibits the right to freely practice as an advocate. The Supreme Court of India dismissed the petition upholding the constitutional validity of the relevant provisions, and deemed the rule as being regulatory rather than prohibitory in nature.

¹⁰ The Supreme Court Rules, 1966 available at https://righttoinformation.wiki/media/rules/supreme_court_rules_1966.pdf (last visited on May 1, 2019).

¹¹ See e.g., INDIA CONST. art. 39A; Legal Services Authorities Act of 1987, *S.P. Gupta v. Union of India*, INDIA CODE (as amended by the Legal Services Authorities (Amendment) Act, 2002, No. 37, INDIA CODE), (1982) 2 SCR 365.

¹² *Hussainara Khatoon (III) v. Home Sec’y* (AIR 1979 SC 1377). This case pertained to the illegal detention of thousands of prisoners in jail in the State of Bihar awaiting trial for periods substantially longer than the period they would have served in jail had they been tried, convicted and given the maximum sentence. Reading a right to speedy trial as also a right to free legal aid implicit in the fundamental right to life and liberty guaranteed in Article 21 of the Constitution, the Indian Supreme Court directed the release of over 40,000 prisoners on personal or no bond basis.

		<p>accordance with a prescribed schedule.¹³ Private attorneys, who are not empanelled on any committee constituted by the legal services authority for legal aid, are not required to accept pro bono matters assigned to them. Acceptance of a pro bono matter by such private attorneys is, therefore, voluntary.</p> <p>Although purely a voluntary practice, however, at the time of elevation of an advocate to a judge, consideration is given to the amount and kind of pro bono work that has been taken up by such advocate.</p> <p>In India, legal fees are contractual and there is no statute fixing or limiting the fees chargeable by lawyers. However, contingency fees or fees determined as a percentage of a final judgment or award are deemed unethical and are prohibited.¹⁴ Typically, private attorneys accepting pro bono matters voluntarily charge no fee or a minimal fee for such matters. However, if such attorneys were to be empanelled on the above committee, they would be entitled to a legal fee in accordance with the schedule prescribed.</p> <p>The prescribed legal fee is paid to the empanelled lawyers offering legal aid services by the Legal Services Committee constituted by the relevant state's or district's Legal Services Authority, from grants received from the Central Government or the State Government in the legal aid fund established at the national level and each state and district level. Such empanelled lawyers are prohibited from asking for or receiving any fee, remuneration or other valuable consideration in any manner, from the person to whom legal aid services are being rendered.¹⁵</p>
	<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>India currently does not have any minimum pro bono requirements to obtain a law degree or for continued licensure.</p>

¹³ The National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010, as amended, available at: https://indiacode.nic.in/handle/123456789/1925?view_type=search&sam_handle=123456789/1362 (last visited on May 1, 2019).

¹⁴ Anupama Hebbbar, Pritha Srikumar Iyer and Sita Kapadia, "Litigation and enforcement in India: Overview" available at <https://uk.practicallaw.thomsonreuters.com/5-502-0726> (last visited on May 1, 2019).

¹⁵ Chapter V of the Legal Services Authorities Act, 1987 and Regulation 8(14) of the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010, each available at: https://indiacode.nic.in/handle/123456789/1925?view_type=search&sam_handle=123456789/1362 (last visited on May 1, 2019).

<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in India are not required to complete any minimum number of hours of pro bono legal services in order to obtain a license to practice law.</p> <p>However, most law schools in India offer legal services clinics and student activities focused on providing legal advice, offering dispute resolution services and promoting legal awareness among disadvantaged communities.¹⁶</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>The main areas of law which require or present opportunities for the provision of pro bono legal services in India are:</p> <ul style="list-style-type: none"> • Criminal Law – poor and underprivileged people typically do not have adequate means to hire attorneys/ advocates to represent them in a court of law. Lack of representation also leads to denial of justice which may end up with such persons being imprisoned for longer durations than otherwise prescribed for convictions. • Environmental Law – lack of exposure and the vast demographics of the Indian subcontinent have led to neglect of environmental resources. Environmental law does not present itself as a lucrative option for law firms and individual attorneys and hence, this area would benefit from focused pro bono legal services. • Matrimonial/ Family Law – given the lack of representation, especially for women in India, a majority of whom are typically still economically dependent on men, the matrimonial disputes spaces could benefit greatly if more focused pro bono legal services were shifted towards such cases. • Pro bono legal services could also be offered to the elderly (also referred to as senior citizens), including in aiding them to recover their pension and insurance claims. Limited resources, lack of knowledge and continuous changes in the regulatory requirements often result in elderly persons

¹⁶ Jane Schukoske & Roopali Adlakha, Enhancing Good Governance in India: Law Schools and Community-University Engagement, J. Indian L. & Soc’y 206 Vol. 3 (2012), <http://www.smsfoundation.org/wp-content/uploads/2015/01/ENHANCING-GOOD-GOVERNANCE-IN-INDIA-LAW-SCHOOLS.pdf> (last visited on May 1, 2019).

	<p>being unable to take legal recourse on their own and accordingly, pro bono legal services could greatly benefit them.</p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>The main providers of pro bono legal services in India are:</p> <ul style="list-style-type: none"> • Private law firms: Some law firms work on a pro bono basis with NGOs. However, most law firms in India do not have mandatory pro bono programs or pro bono requirements for their lawyers.¹⁷ • Individual Attorneys: Individual advocates may contribute their time to public service activities voluntarily and on an ad hoc basis. They are currently the major contributors towards pro bono practice in India. An individual lawyer can participate in the legal aid schemes undertaken by the bar association in which such individual is enrolled. Lawyers can also be empanelled on the legal services committee constituted by the relevant state’s Legal Services Authorities (“LSAs”).¹⁸ • NGOs: NGOs have been instrumental in providing pro bono legal services in India. They work together with some law firms, individual attorneys, law clinics, bar associations, law schools, governmental and other non-governmental organizations to meet the demand for pro bono legal services. • Law clinics organized by law schools: Most law schools in India offer legal services clinics and student activities focused on providing legal advice, offering dispute resolution services, and promoting legal awareness among disadvantaged communities.¹⁹ • LSAs: Under the LSA Act, LSAs are constituted at the central, state and district

¹⁷ Email from Mohit Abraham to author (Nov. 26, 2007) (on file with author).

¹⁸ National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010, as amended.

¹⁹ Jane Schukoske & Roopali Adlakha, Enhancing Good Governance in India: Law Schools and Community-University Engagement, J. Indian L. & Soc’y 206 Vol. 3 (2012), <http://www.smsfoundation.org/wp-content/uploads/2015/01/ENHANCING-GOOD-GOVERNANCE-IN-INDIA-LAW-SCHOOLS.pdf> (last visited on May 1, 2019).

		<p>levels to provide state funded legal services to eligible persons belonging to weaker sections of the society as specified under the LSA Act. Such legal services include any services in the conduct of any case or other legal proceeding before any court or other authority or tribunal and providing advice on any legal matter. Such LSAs work together with other governmental and non-governmental agencies, universities, the Bar Council of India and state bar associations and other voluntary social service institutions to discharge their functions of providing legal services to the poor.</p> <ul style="list-style-type: none"> • The LSA Act also regulates the organization and functioning of the Lok Adalats.²⁰ Lok Adalats are local “people’s court” settlement and mediation bodies, intended to promote equal access to justice to those economically or otherwise less privileged in the formal court system. Lok Adalats charge no court fee, do not mandate strict procedural rules, and allow disputants to interact with the judge directly to explain their cases. Matters pending in the courts may also be referred to Lok Adalats for resolution. • The Bar Council of India and other state bar associations, through their legal-aid committees/schemes. • Members of the Public through the Public Interest Litigation (“PIL”) mechanism: The Supreme Court of India has held that if a petitioner were “by reason of poverty, helplessness or disability or socially or economically disadvantaged position, unable to approach the court for relief, any member of the public” may petition on their behalf against the Government of India to enforce a fundamental constitutional right.²¹ In the <i>S.P. Gupta</i> case, the apex court further held that it would “respond even to a letter addressed by such individual acting pro
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²⁰ Chapter 6 of the LSA Act, available at <https://indiacode.nic.in/bitstream/123456789/1925/1/198739.pdf> (last visited on May 1, 2019).

²¹ *S.P. Gupta v. President of India and Ors.*, (1982 2 S.C.R. 365) ¶¶ 1-11.

		<p>bono publico” and treat it as a writ petition for a PIL case.²² PIL provides a unique opportunity for public legal services providers in India, and is central to the work of NGOs.</p> <ul style="list-style-type: none"> • Suo moto action by the Supreme Court of India and High Courts of various states: It has been witnessed in the recent past that the courts have taken pro-active measures in initiating PILs suo moto based on personal knowledge or even press reports.²³
<p>(c) Obstacles to Provision of Pro Bono Services</p>		
	<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>In order to practice law in India, including providing legal services on a pro bono basis, a person is required to be enrolled as an advocate with a State Bar Council and pass the All India Bar Examination, which is conducted by the Bar Council of India (this requirement was introduced in 2010).²⁴ To be able to file matters in the Supreme Court, lawyers are required to qualify as Advocates-on-record by clearing the AoR examination. Licensing requirements are prescribed by the Bar Council of India set up under the Advocates Act.²⁵</p>
	<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>The Advocates Act specifies that only advocates as defined under the Act are entitled to practice law in India and in any Indian court or before any Indian authority.²⁶ To qualify as an advocate, a lawyer must fulfill the conditions prescribed under the Advocates Act and be admitted to the rolls of advocates of any State Bar Council.²⁷ The</p>

²² Id. ¶ 17

²³ In the matter of *Court on Its Own Motion v. Union of India & Ors.*, on December 13, 2012, the Supreme Court of India initiated a *suo moto* writ petition after taking notice of the press reports dealing with the poor arrangement and number of deaths that occurred during the yatra in the year 2012 to the holy cave of Amarnathji. The court took *suo moto* action and issued a notice to the Union of India, State of Jammu and Kashmir and the Chairman/President of the Amarnathji Shrine Board.

²⁴ The Advocates Act, No. 25 of 1961, INDIA CODE, available at <http://www.barcouncilofindia.org/wp-content/uploads/2010/05/Advocates-Act1961.pdf> and <http://www.barcouncilofindia.org/about/all-india-bar-examination/> (last visited on May 1, 2019).

²⁵ The Advocates Act, No. 25 of 1961, INDIA CODE, available at <http://www.barcouncilofindia.org/wp-content/uploads/2010/05/Advocates-Act1961.pdf> (last visited on May 1, 2019).

²⁶ Sections 29, 30 and 33 of the Advocates Act.

²⁷ Section 24 of the Advocates Act sets out the eligibility conditions for a person to be admitted as an advocate to a State roll. Section 24 states that, amongst other things, a person will be qualified to be admitted as an advocate on a State roll if he is a citizen of India. A national of any other country may be admitted as an advocate on a State roll, if citizens of India, duly qualified are permitted to practice law in that other country.

	<p>Advocates Act does not distinguish between fee-paying and pro bono work. Accordingly, foreign lawyers are not permitted to plead a pro bono matter in India or offer Indian law advice in a pro bono matter in India. They also may not participate in a joint venture with local lawyers to undertake pro bono work. Foreign law firms therefore cannot develop their own pro bono practices in India.</p> <p>The Supreme Court has recently ruled that foreign lawyers or law firms cannot offer legal services in India on a permanent basis and can only offer advice on visits that do not amount to the regular practice of law. Foreign lawyers may be permitted to appear in India-seated arbitrations and will be governed by the code of conduct applicable to Indian lawyers.²⁸</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>Professional indemnity insurance for lawyers, advocates, solicitors and counsels is available in India.²⁹ However, there is no requirement to obtain a professional indemnity legal insurance cover for pro bono legal services. Legal protection insurance is not available in India. However, some liability insurance policies may cover litigation costs in the event of claims being made against an insured party.³⁰</p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>The Standards of Professional Conduct and Etiquette set out under the Bar Council of India Rules prohibit an advocate from soliciting work or advertising, either directly or indirectly, whether by circulars, advertisements, touts, personal communications, interviews not warranted by personal relations, furnishing or inspiring newspaper comments or producing photographs to be published in connection with cases in which he has been engaged or concerned.³¹</p> <p>The Standards of Professional Conduct and Etiquette also state that the sign-board or name-plate or stationery of an advocate should not indicate, amongst other things, that he is or has</p>

²⁸ Anupama Hebbar, Pritha Srikumar Iyer and Sita Kapadia, “Litigation and enforcement in India: Overview” available at <https://uk.practicallaw.thomsonreuters.com/5-502-0726> (last visited on May 1, 2019).

²⁹ <https://www.newindia.co.in/portal/product/knowMore/MISCELLANEOUS/PF> (last visited on May 1, 2019).

³⁰ Anupama Hebbar, Pritha Srikumar Iyer and Sita Kapadia, “Litigation and enforcement in India: Overview” available at <https://uk.practicallaw.thomsonreuters.com/5-502-0726> (last visited on May 1, 2019).

³¹ Paragraph 36, Section IV, Chapter II, Part VI of the Bar Council of India Rules framed under the Advocates Act available at <http://www.barcouncilofindia.org/wp-content/uploads/2010/05/BCIRulesPartVonwards.pdf> (last visited on May 1, 2019).

		<p>been associated with any person or organization or with any particular cause or matter or that he specializes in any particular type of work.³²</p> <p>As the above-mentioned restrictions on advocates extends to both fee-paying and non-fee paying work, advocates entitled to practice law in India are prohibited from advertising pro bono successes or soliciting new pro bono clients.</p>
	5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	India currently does not have continuing legal education requirements. There are also no minimum pro bono requirements to obtain a law degree or for continued licensure.
(d)	Sources of Pro Bono Opportunities and Key Contacts	
	1. Describe any governmental sources of pro bono and/or other legal services in India.	<p>Under the LSA Act, LSAs are constituted at the central, state and district levels to provide state funded legal services to eligible persons belonging to weaker sections of the society as specified under the LSA Act.</p> <p>The Bar Council of India and other state bar associations through their legal-aid committees/schemes.</p> <p>Most high courts have a separate legal services cell, which can be approached by both litigators and litigants to provide and avail pro bono legal services respectively.</p> <p>The department of justice also provides for a platform for advocates to register in order to provide pro bono legal services.³³</p>
	2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in India.	<p>A non-exhaustive list of NGOs that provide pro bono legal services in India are as follows:</p> <ul style="list-style-type: none"> • Lawyers Collective;³⁴ • Human Rights Law Network;³⁵ • Alternative Law Forum;³⁶ • i-Probono;³⁷

³² Paragraph 36, Section IV, Chapter II, Part VI of the Bar Council of India Rules framed under the Advocates Act.

³³ See <http://doj.gov.in/page/pro-bono-legal-services> (last visited on May 1, 2019).

³⁴ See <http://www.lawyerscollective.org/> (last visited on May 1, 2019).

³⁵ See <http://www.hrln.org/hrln/> (last visited on May 1, 2019).

³⁶ See <http://www.altlawforum.org/> (last visited on May 1, 2019).

³⁷ See <http://www.i-probono.com/> (last visited on May 1, 2019).

	<ul style="list-style-type: none"> • Majlis;³⁸ • National Campaign for the People’s Right to Information;³⁹ • Public Interest Legal Support and Research Center;⁴⁰ • Swayam;⁴¹ • Manabadhikar Suraksha Mancha.⁴² <p>Other Pro-Bono resources</p> <ul style="list-style-type: none"> • Law clinics organized by law schools: Most law schools in India offer clinics and student activities focused on providing legal advice, offering dispute resolution services, and promoting legal awareness among disadvantaged communities.⁴³ • Private law firms: Some law firms work on a pro bono basis with NGOs. However, most law firms in India do not have mandatory pro bono programs or pro bono requirements for their lawyers.⁴⁴ • Individual Attorneys: Individual advocates may contribute their time to public service activities voluntarily and on an ad hoc basis. They are currently the major contributors towards pro bono practice in India. An Individual lawyer can participate in the legal aid schemes undertaken by the bar association in which such individual is enrolled. Lawyers can also be empanelled on the legal service committee constituted by the relevant state’s LSAs.⁴⁵ • Members of the Public through the PIL mechanism: The Supreme Court of India has held that if a petitioner were “by reason of poverty, helplessness or disability or socially or economically disadvantaged
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³⁸ See <http://www.majlislaw.com/> (last visited on May 1, 2019).

³⁹ See <http://righttoinformation.info/> (last visited on May 1, 2019).

⁴⁰ See <http://www.unhcr.org/48fdca72.html> (last visited on May 1, 2019).

⁴¹ See <http://www.swayam.info/> (last visited on May 1, 2019).

⁴² See <http://www.masum.org.in/> (last visited on May 1, 2019).

⁴³ Jane Schukoske & Roopali Adlakha, Enhancing Good Governance in India: Law Schools and Community-University Engagement, J. Indian L. & Soc’y 206 Vol. 3 (2012), <http://www.smsfoundation.org/wp-content/uploads/2015/01/ENHANCING-GOOD-GOVERNANCE-IN-INDIA-LAW-SCHOOLS.pdf> (last visited on May 1, 2019).

⁴⁴ Email from Mohit Abraham to author (Nov. 26, 2007) (on file with author).

⁴⁵ National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010, as amended.

		<p>position, unable to approach the court for relief, any member of the public” may petition on their behalf against the Government of India to enforce a fundamental constitutional right.⁴⁶ In the <i>S.P. Gupta</i> case, the apex court further held that it would “respond even to a letter addressed by such individual acting pro bono publico” and treat it as a writ petition for a PIL case.⁴⁷ PIL provides a unique opportunity for public legal services providers in India, and is central to the work of NGOs.</p>
	<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>The department of justice provides advocates a platform to register in order to provide pro bono legal services.⁴⁸ The National Legal Services Authority (NALSA) was constituted by the Central Government under the LSA Act to provide free legal services⁴⁹ to the weaker section of society and organize Lok Adalats for settlement of disputes.⁵⁰</p> <p>However, please note that foreign attorneys cannot enroll with these organizations.</p>

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This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

⁴⁶ *S.P. Gupta v. President of India and Ors.*, (1982 2 S.C.R. 365) ¶¶ 1-11.

⁴⁷ *Id.* ¶ 17.

⁴⁸ <http://doj.gov.in/page/pro-bono-legal-services> (last visited on May 1, 2019).

⁴⁹ <https://nalsa.gov.in/about-us> (last visited on May 1, 2019).

⁵⁰ The application form for availing legal aid from NALSA is available at: <https://nalsa.gov.in/lsams/nologin/applicationFiling.action?requestLocale=en> (last visited on May 1, 2019).