



डॉ० राम मनोहर लोहिया राष्ट्रीय विधि विश्वविद्यालय Dr. Ram Manohar Lohiya National Law University

NOTIFICATION FOR THE ENFORCEMENT OF THE CONSTITUTION OF THE LEGAL SERVICES CLINIC

In accordance with clause (2) of article 1 of the *Constitution of the Legal Services Clinic*, the undersigned hereby appoints the **17th day of January 2025** as the date for enforcement of the Constitution (enclosed herewith).

Prof. (Dr.) Manish Singh
Chairperson

Legal Services Clinic

Dr. Ram Manohar Lohiya National Law
University, Lucknow

Copy To:

1. Hon'ble Vice Chancellor for kind information
2. Registrar
3. Finance Officer
4. Joint Registrar
5. Head of Department
6. Dr. Mridul Srivastava for uploading on University Website
7. All Notice Boards

Prof. (Dr.) Manish Singh
Chairperson

Legal Services Clinic

Dr. Ram Manohar Lohiya National Law
University, Lucknow

*The Constitution of the
Legal Services Clinic*

*Dr. Ram Manohar Lohiya
National Law University, Lucknow*

17/01/25

THE CONSTITUTION OF THE LEGAL SERVICES CLINIC RMLNLU^{††}

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PREAMBLE

WHEREAS it is necessary to have a governing document for the discharge of business of the Legal Services Clinic of the Dr. Ram Manohar Lohiya National Law University, Lucknow, and matters connected therewith;

And whereas it is necessary to have law and regulations, providing for the composition of the Clinic and laying down the procedures, management and the functions of the Clinic, and where necessary, to make provisions for regulating the internal affairs of the Clinic so that it can serve the common good;

And whereas it is expedient to have provisions for a smooth and efficient functioning of the Clinic in its endeavour to uphold the spirit of Article 39A of the Constitution of India.

BE it enacted and adopted by the Legal Services Clinic as follows:

CHAPTER I

PRELIMINARY

1. Short title and commencement. — (1) This instrument may be called the Constitution of the Legal Services Clinic RMLNLU.

(2) It shall come into force on such date as the Chairperson may, by notification, appoint.

2. Definitions. — Unless the context otherwise requires, —

(1) “Accountability Officer” means such person as appointed by the Board for ensuring accountability and/or transparency in the working of the Clinic;

(2) “Act” means the Legal Services Authorities Act, 1987 (39 of 1987);

(3) “Board” means the Secretarial Board of the Clinic;

(4) “Case Management System” or CMS means the system developed and maintained for maintenance of case records handled by the Clinic;

(5) “Chairperson” means such faculty as appointed by the University as the formal head of the Clinic;

(6) “Clinic” means the Legal Services Clinic of the Dr. Ram Manohar Lohiya National Law University, Lucknow;

(7) “Clinic Room” means such room or space, which is being employed by the Clinic to attend to members of the public;

(8) "Faculty Advisors" means such faculty other than the Chairperson as appointed by the University to aid and assist the Chairperson;

(9) "Para-legal volunteers" (or PLVs) means students who are members of the Clinic and in the final year of their undergraduate law degree course;

(10) "Regulations" means the National Legal Services Authority (Legal Services Clinics) Regulations, 2011;

(11) "Roster" means the schedule prepared for the shifts at the Clinic Room to be undertaken by the members of the Clinic;

(12) "Secretary" means the duly elected, and appointed, executive head of the Clinic;

(13) "Student", unless specified otherwise, means persons enrolled in full-time undergraduate law degree courses in the University;

(14) "Trainee para-legal volunteers" (or Trainee PLVs) means students who are members of the Clinic other than the PLVs. Students in their penultimate year of undergraduate law degree course may be designated as Senior Trainee PLVs; and

(15) "University" means the Dr. Ram Manohar Lohiya National Law University, Lucknow (established by U.P. Act No. 28 of 2005).

CHAPTER II

ESTABLISHMENT AND COMPOSITION

3. Establishment of the Clinic. — (1) A body called the Legal Services Clinic, Dr. Ram Manohar Lohiya National Law University, Lucknow shall exist as per the provisions of this Constitution.

(2) It may be called the Legal Services Clinic RMLNLU.

(3) It shall be an independent Regulation 24 body under the National Legal Services Authority (Legal Services Clinics) Regulations, 2011.

4. Composition of the Clinic. — (1) The Clinic shall comprise such students who have been duly inducted into the Clinic as para-legal volunteers or trainee para-legal volunteers.

(2) The Clinic may comprise such number of PLVs as the Board may, from time to time, deem appropriate.

(3) The Clinic may comprise such number of Trainee PLVs in their penultimate year of study as the Board may, from time to time, deem appropriate but not exceeding 12.

(4) The Clinic may comprise such number of Trainee PLVs in other years of study as the Board may, from time to time, determine but shall not exceed 25 in total.

(5) No single year of study shall have membership of the Clinic exceeding 15.

(6) No student in their first year of study of their undergraduate law degree course shall be eligible to be a member of the Clinic.

CHAPTER III

ELIGIBILITY AND INDUCTION

5. Eligibility. — (1) Subject to the provisions of this Constitution, any student at the University is eligible to be a member of the Clinic.

(2) Notwithstanding any rule, regulation or convention, membership of any student committee, society, club or similar entities shall not disqualify any student from being eligible to be a member of the Clinic.

6. Induction *De novo*. — (1) Unless necessary for cogent reasons, there shall be no fresh inductions of students in their final year of study. The Chairperson may, upon receipt of such reasons in writing from the Board, allow fresh inductions of students in their final year of study.

(2) Induction of PLVs shall comprise two stages of screening. They shall be:

(a) Written Test. — (i) A written test, preferably in line with past practice, shall be conducted by the Chairperson.

(ii) The Chairperson should preferably mark each answer script personally. However, should this be not possible, the Chairperson shall take such measures as appropriate to reduce the subjectivity that may arise from different answer scripts being marked by different faculties.

(b) Interview. — (i) Students shortlisted after the written test shall be interviewed by the Chairperson and/or such faculty advisor(s) as the Chairperson may appoint.

(ii) The Chairperson shall consult with the Board before final selection.

(3) The Chairperson may, without prejudice to the impartiality of the induction process, employ the assistance of such persons, including any faculty or the Board or both, as necessary and appropriate.



(4) Trainee PLVs may be inducted at the beginning of every academic year and at such time when the need arises.

(5) Induction of Trainee PLVs shall comprise two stages of screening. They shall be:

(a) Written Test. — (i) A written test, preferably in line with past practice, shall be conducted by the Board.

(ii) The format of the test should be such so as to reduce subjectivity that may arise from different answer scripts being marked by different persons.

(iii) The Board shall adopt such practices, which ensure a fair, transparent and impartial induction process including measures such as disclosing the answer key used for marking, disclosing scores of all the candidates who took the test and showing of marked answer scripts to the candidates.

(b) Interview. — (i) Students shortlisted after the written test shall be interviewed by the Board before final selection.

(ii) The decision of the Board shall be final.

(6) The Chairperson and the Board shall endeavour to ensure gender diversity in the pool of selected candidates.

CHAPTER IV

ROLE AND FUNCTIONS OF THE CLINIC

7. Aim and objective. — (1) The Clinic aims at—

(a) furthering access to free legal aid in spirit of article 39A of the Constitution of India and the provisions of the Legal Services Authorities Act, 1987; and

(b) fulfilling its obligations under the Regulations.

8. Scope. — Save as otherwise prescribed in law or by a competent authority, the Clinic shall be the primary entity for control, coordination and management of legal aid activities and work undertaken or to be undertaken by the University.

9. Functions. — (1) Subject to financial and human resources, the Clinic shall endeavour to fulfill the mandate provided in the Regulations.

(2) Subject to the roster and the rules made by the Board, PLVs and Trainee PLVs shall, except during semester breaks and for such period or on such days as the Board may specify, take daily sittings at the Clinic Room for at least 2 hours.

(3) In addition to the functions specified in the Regulations, the Clinic may undertake projects that would further access to free legal aid, secure constitutional or legal rights of disadvantaged sections of the society or bridge the gap between the welfare State and its targeted beneficiaries.

(4) The Clinic shall represent the University before the legal services institutions, assist them in legal aid activities when called upon and maintain cordial relations with them.

CHAPTER V

MAINTENANCE OF RECORDS AND ACCOUNTABILITY

10. Maintenance of records and attendance. — (1) PLVs and Trainee PLVs taking shifts at the Clinic Room shall record their attendance in a register maintained for this purpose.

(2) PLVs and Trainee PLVs shall record the details of each case handled by them on the CMS, including advice rendered or action taken, in the manner specified by the Board from time to time. They shall ensure that such records remain updated.

(3) Attendance of PLVs and Trainee PLVs in meetings of the Clinic shall be maintained.

11. Accountability Officer. — (1) The Board shall appoint an Accountability Officer (AO).

(2) The board may appoint additional AOs not exceeding two.

(3) The AO shall be a PLV and shall, in addition to such responsibilities as may be specified by the Board, ensure accountability in Clinic sittings in accordance with the accountability policy.

(4) The additional AOs maybe PLVs or Trainee PLVs in their penultimate year of study. They shall ensure accountability on such matters as maybe entrusted to them including assisting the AO in the discharge of its functions.

12. Accountability policy. — (1) An accountability policy shall be formulated by the Board.

(2) The policy shall ensure transparency and accountability in Clinic sittings and may include such other matters that, in the opinion of the Board, require maintenance of accountability.

(3) Subject to the provisions of this Constitution, the Board shall entrust the enforcement of the policy or part thereof to the AO or additional AOs.

CHAPTER VI

THE SECRETARIAL BOARD

13. Establishment and composition of the Board. — (1) There shall be a board called the Secretarial Board.

(2) It shall comprise the duly elected, and appointed, Secretaries of the Clinic.

14. Office of Secretary. — (1) There may be three Secretaries of the Legal Services Clinic RMLNLU.

(2) They shall be the executive heads of the Clinic and 'first among equals' in the PLVs.

(3) The Office of Secretary shall be equivalent to the Office of Convener as existing in student committees and that of President as existing in clubs.

CHAPTER VII

ELECTION TO, REMOVAL FROM AND VACANCY IN OFFICE

15. Election to the Office of Secretary. — (1) There shall be elections to the Office of Secretary.

(2) Subject to the provisions of this Constitution and except as provided in the rules made thereunder, the election shall take place by secret ballot.

(3) The rule of first past the pole shall apply.

(4) In the event that there are less than four candidatures received for the post of Secretary then the candidates shall be deemed to have been elected unopposed.

Provided that the confirmation of their position shall be subject to the year-end review by the Board.

16. Eligibility. — (1) Members of the Clinic who would be in their final year of study in the academic year of their potential tenure shall be eligible.

(2) No person holding an Office in any student committee or similar entity shall be eligible to hold Office of Secretary. This clause shall come in operation on 1 January 2026.

(3) For the purposes of clause (2), schedule I specifies such committees and entities.

(4) Notwithstanding anything in clause (2), members holding any Office in their

penultimate year of study in any entity mentioned in Schedule I may continue to hold such Office until new appointees assume their charge not exceeding a period of 3 months from the date of assuming Office of Secretary.

(5) No person of unsound mind or an insolvent shall be eligible to contest election or hold Office of Secretary.

17. Electoral process. — (1) The electoral process shall commence on notification to that effect by the Board. Such notification shall specify all the relevant dates including deadline for filing of candidatures and agendas, date(s) for discussion of agendas, date of voting and counting of votes and date for declaration of results.

(2) The electoral process shall be commenced by the Board no later than the first week of April and completed latest by 14 April. The Board may, with the consent of the Chairperson, deviate from this timeline. Reasons for such deviation shall be communicated, in writing, to the Clinic.

(3) The name of the candidates and their agendas as received by the Board shall be communicated to the Clinic within 24 hours of their receipt.

(4) Every member of the Clinic shall have 3 votes to cast. Subject to the rules made in regard to the manner and mode of voting, including voting by members who are not present in person, each member shall cast all 3 votes specifying their three choices for Secretaries.

(5) The Board shall request the Chairperson to be present during counting of votes. The Chairperson may nominate a faculty member for the same. Absence of the Chairperson or faculty shall not prevent the counting of votes.

(6) The Board shall count the votes received by each candidate immediately after the voting has concluded.

(7) The top three candidates shall be declared Secretaries-elect by the Board within 24 hours of the conclusion of counting of the votes. Votes received by the Secretaries-elect shall also be communicated to the Clinic.

(8) The Board shall preserve the ballots for verification for 5 days should any dispute be alleged later in counting of the votes.

(9) For the purposes of the electoral process, the Board shall also function as the Election Commission, and in such capacity, control, coordinate and manage the process.

(10) The Board may specify such modalities as maybe necessary to conduct the



elections and the Chairperson may direct the Board to adopt such practices as necessary to ensure free and fair elections.

(11) The Board shall ensure that the elections are free, fair, transparent and not impacted by extraneous factors. It may call upon the Chairperson for assistance should it be necessary.

(12) The Board shall keep the Chairperson well-informed throughout the electoral process and not indulge in any act or practice that may be perceived as an abuse of Office.

(13) The Board may make such rules as necessary for conduct of the elections. No such rule shall come into force without the approval of the Chairperson.

18. Raising of concern or dispute. — (1) Any member of the Clinic may dispute the eligibility of a candidate within 24 hours of their candidature being made public to the Clinic. The Board shall adjudicate such dispute within 24 hours of receiving it.

(2) Any member of the Clinic may bring to the notice of the Board any incident or practice that may have an impact on the free and fair conduct of the election. The Board shall, within 24 hours, take appropriate action.

(3) Any candidate may raise dispute over the results of the election before the Chairperson on grounds of fraud only.

(4) If a candidate believes that the Board or any of the Secretary has acted with bias against such candidate, it may, at any time before the counting of votes is concluded, file a complaint with the Chairperson. The Chairperson shall, after perusal of evidence, take a decision and may prevent declaration of results till such decision is made.

(5) Should any adversarial action may result from a proceeding under this article, the rules of natural justice shall apply.

19. Appointment. — (1) The results of the elections shall be transmitted, in writing, by the Board to the Chairperson within 48 hours of conclusion of counting of the votes. Such communication shall include the total number of votes cast, votes cancelled, if any, and votes received by each candidate, and shall contain such particulars that are relevant to the results of the election.

(2) The Chairperson shall issue a notification appointing a date no later than the 1st day of May for the Secretaries-elect to take office.

(3) Once the notification under clause (2) is issued, all pending proceedings, if any, under article 18 shall be deemed closed.



(3) Subject to the provisions of this Constitution, it shall regulate the internal affairs of the Clinic including induction, disciplinary action and expulsion.

(4) The Board shall prepare the budget and the calendar of the Clinic at the beginning of every academic year.

(5) The management of funds of the Clinic shall be undertaken by the Board. The Board shall ensure judicious use of funds made available to the Clinic.

(6) The Board shall represent the Clinic before the University authorities, legal services institutions and maintain cordial relations with them.

(7) The Board shall make every endeavour to ensure that certificates to P.I.Vs at the end of their assignment or tenure be made available to them through the District Legal Services Authority.

(8) The Board shall function under the guidance of the Chairperson only.

CHAPTER IX

DISCIPLINARY ACTION, SUSPENSION, TERMINATION

25. Disciplinary proceeding. — (1) The Board may, for reasons to be recorded in writing, issue show cause to any member of the Clinic. Such show cause shall specify the time period for the reply to be filed, which shall not be less than 48 hours.

(2) Show cause under clause (1) may be issued for violation of the accountability policy or for contravention of any specific direction of the Board or for any other matter, which in the opinion of the Board concerns the functioning of the Clinic.

(3) The Board may, if requested and after the receipt of the reply in writing, afford an oral hearing.

(4) The Board shall render its decision within 7 days from the date of receipt of the written reply after which the proceeding shall be deemed closed.

(5) Should the Board require more time, it shall communicate the same to such member but shall take a final decision within 30 days from the receipt of the written reply after which the proceeding shall be deemed closed.

(6) Should the Board deem appropriate to take disciplinary action, it may impose such punishment as may be specified in the accountability policy or place such member on probation

for a period not exceeding 2 months or both. The Board may impose such conditions during the period of probation as it may deem necessary and appropriate.

(7) Should the Board deem the infraction to be small, it may, in light of the past exemplary conduct as a member of the Clinic, close the proceeding after issuing a written warning.

(8) Should the Board deem the infraction to be of a degree requiring strict action, it may convert the proceeding to an article 26 proceeding under this Constitution.

(9) No appeal against the decision of the Board under this article shall lie.

(10) Subject to the provisions of this Constitution and the accountability policy, the Chairperson may, on the recommendation of the AO, and after granting an opportunity to be heard, impose such punishment on any member of the Board as specified in the accountability policy for contravention of the said policy.

26. Suspension or termination of membership. — (1) Subject to the provisions of this Constitution, the Board may suspend the membership of any member of the Clinic, or terminate the membership of any Trainee PLV, or recommend the termination of membership of any PLV.

(2) Suspension and/or termination of membership may result—

(a) Through show cause: (i) For a proceeding other than one commenced in consequence of article 25(8), the Board may, for reasons to be recorded in writing, issue show cause to any member of the Clinic on grounds of gross misconduct or moral turpitude.

Explanation: The terms ‘gross misconduct’ and ‘moral turpitude’ shall be interpreted restrictively. For e.g., it may include conduct against the interests of the Clinic or in violation of the provisions of this Constitution or likely engagement in corruption or sexual misconduct.

(ii) The reply shall be filed within 72 hours from the date of receipt of the show cause.

(iii) The Board may, if requested and after the receipt of the reply in writing, afford an oral hearing.

(iv) The Board shall render its decision within 10 days from the date of receipt of the written reply.



(v) The Board may either suspend the membership for such period as may be deemed appropriate or terminate the membership of such Trainee PLV or recommend the termination of the membership of such PLV to the Chairperson.

(b) Upon review or explanation: (i) The Board shall undertake review of the performance of every member of the Clinic at the end of every semester or the academic year.

(ii) The Board may call for an explanation from any member at any time, if in the opinion of the Board, such member has not been taking part in the activities of the Clinic.

(ii) The Board may, after such review or upon receipt of such explanation, terminate the membership of any Trainee PLV or recommend the termination of any PLV to the Chairperson, if in the opinion of the Board, the performance of such member has been found wanting.

(3) Notwithstanding anything in this Constitution, the membership of a probationary member may be terminated at any point should an article 25 or article 26(2)(a) proceeding arise during the period of such probation or for contravention of conditions imposed by the Board during the period of probation.

27. Appeal. — (1) An appeal shall lie before the Chairperson against the decision rendered by the Board under article 26.

(2) The aggrieved member may file an appeal in writing with the Chairperson within 7 days from the date of receipt of the order under article 26.

(3) Where an appeal lies against the suspension of membership, the Chairperson shall, within 7 days and after providing an opportunity to be heard, discuss the matter with the Board, and thereafter, either confirm, modify, or revoke the impugned order.

(4) Where an appeal lies against the termination of membership, the Chairperson shall, within 7 days and after providing an opportunity to be heard, discuss the matter with the Board and either confirm, modify or revoke the impugned order.

(5) Where an appeal lies against the recommendation of termination of membership of a PLV, the Chairperson shall, within 7 days and after providing an opportunity to be heard, either confirm or return the matter, with an opinion, to the Board for reconsideration.

(6) The Board may modify its recommendation should it deem appropriate.

(7) The Chairperson shall, in the absence of an anomaly on the face of the record or gross miscarriage of justice, accept the recommendation of the Board sent after such reconsideration.

(8) The Chairperson may, for reasons to be recorded in writing and communicated to the Board, refuse to accept the recommendation.

(9) Where the Board unanimously dissents with the final decision of the Chairperson, it may put to vote such decision before the Clinic in a meeting called for this purpose. The Clinic may, by two-thirds of members present and voting and at least fifty percent of total membership, enforce the original decision of the Board, or pass such modified order as deemed necessary and appropriate.

CHAPTER X

AMENDMENT

28. Amendment and procedure therefor. — (1) Notwithstanding anything in this Constitution, the Board or any member thereof, or at least 25 percent of total members of the Clinic may introduce a Constitution Amendment Bill (CAB) in a meeting of the Clinic called for this purpose.

(2) The Board shall facilitate discussion and exchange of views upon the proposed amendments and may convene such number of meetings as necessary to ensure that every member wishing to express views is granted an opportunity to be heard.

(3) The Board shall communicate the agenda for every meeting including members who have requested to present their views, motions moved for amendment to the CAB and details thereof and motions on which voting is to take place.

(4) Members may make motions to amend the original CAB. Such amendment shall pass if two-thirds of members present and voting vote in favour of such motion.

(5) The members of the Clinic and the Chairperson shall be informed at least 24 hours before the meeting in which the CAB is likely to be put to vote.

(6) Opinion of the Chairperson on the CAB, if any, shall be communicated by the Board to the Clinic.



(7) Amendment to this Constitution may be made when the CAB is passed by at least fifty percent of the total membership of the Clinic and two-thirds of the members present and voting.

(8) The Chairperson shall, by general notification, communicate the amendment to this Constitution.

CHAPTER XI

MEETINGS AND QUORUM

29. Meetings of the Clinic. — (1) The Board may call for meetings of the Clinic at a notice of at least 24 hours.

(2) The meetings shall take place on campus at an appropriate place accessible to all members.

(3) The Board may, at a notice of at least 24 hours, call online meetings during holidays and semester breaks should it be necessary.

(4) The Board may, however, in exigent circumstances, call for meetings at a notice of less than 24 hours.

(5) Members of the Clinic shall, in good faith, endeavour to attend all meetings.

(6) Subject to the accountability policy, failure to regularly attend meetings of the Clinic, especially the ones called at a notice of at least 24 hours, without cogent reasons, may become a ground for an article 25 proceeding.

30. Quorum. — (1) Quorum for meetings shall be 40 percent of the total membership of the Clinic.

(2) Subject to the provisions of this Constitution, quorum for meetings called under article 28 or meetings where any resolution may be passed shall be 60 percent.

(3) Save for meetings called under article 28 of this Constitution, the preceding clauses shall not apply to a meeting that is reconvened after the previous meeting was adjourned for lack of quorum, in as far as the agenda(s) from the previous meeting is to be taken up.

CHAPTER XII

MISCELLANEOUS

31. Interpretation. — (1) For the purposes of the interpretation of the provisions of this Constitution, words or phrases not defined shall, unless the context otherwise requires, be assigned their normal meanings.

(2) Recourse to the golden rule may be taken to prevent any irregularity or absurdity.

(3) The drafter may be consulted by the Board in the interpretation of this Constitution.

32. Rule-making powers. — (1) The Board shall make such rules as necessary to achieve the objects of this Constitution and ensure enforcement of its provisions in letter and spirit.

(2) The Board may formulate such policies as necessary to ensure that the Clinic fulfils its role and functions.

(3) The rules and policies should be formulated after discussions in Clinic meetings.

(4) In exigent circumstances, the Board may make rules without discussion as specified in clause (3). In such a scenario, the discussion shall take place whenever the Clinic meets next.

(5) Subject to the provisions of this Constitution, the Clinic may, by a simple majority of members present and voting, amend any rule made by the Board.

32. Power to remove difficulties. — If any difficulty arises in giving effect to the provisions of this Constitution, the Board may, by order, make such provisions not inconsistent with the provisions of this Constitution as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Constitution.

33. Repeal and savings. — (1) Any standard operating procedures, rules, regulations, or provisions thereof, in force at the time of commencement of this Constitution, shall, as far as the subject matter concerns the Clinic or legal aid activities of the University, to the extent of such inconsistency with this Constitution, stand repealed.

(2) This Constitution shall neither effect nor shall be deemed to affect any right, title, interest, obligations or liability already acquired, accrued or incurred before the commencement of this Constitution.

†† This Constitution has been drafted by MR. SUSHANT KUMAR (Batch 2018-23), Secretary, Legal Services Clinic RMLNLU (AY 2022-23).



SCHEDULE I

- 1) The Committee to organize Seminars, Workshops, Extra Mural & Special Lectures
- 2) The Cultural Committee
- 3) The Debate and Discussion Committee
- 4) The Internship and Placement Committee
- 5) The Journal Committee
- 6) The Legal Aid Committee or the ADR Cell¹
- 7) The Moot Court Committee
- 8) The Pro Bono Club
- 9) The Sports Committee



¹ For the purposes of article 16 and Schedule I of this constitution, the Legal Aid Committee and the ADR Cell shall be deemed to be the same and any person holding Office in either or both, as the case may be, shall be ineligible to hold Office under clause (2) of article 16.