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Understanding the quintessence of Clinical Legal Education: Nepalese Experience

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Abstract

Experiential erudition is the spirit of Clinical Legal Education which provides opportunity to coalesce theory with practice and helps to expand professional skills in law students. Clinical Legal Education is an innovative development in Nepal's legal education, the subject and arena is new to the legal fraternity of Nepal. The understanding, concept and approach of clinical legal education are not uniform among law schools and legal fraternity. The aspects of clinical legal education are inserted and reflected in the curriculum however approach and understanding remains different. The paper aims to provide uniform understanding of approaches of clinical legal education, principles and prominent activities along with scenario of clinical legal education in Nepal and its blemish.

1. Introduction

The term 'clinical' is a medical term, meaning '*pertaining to and founded on actual observation and treatment of patients, as distinguished from theoretical or experimental*'.¹ In medical profession clinical activities are pivotal for the medical students to practically understand, diagnose and cure the illness of patient. The word clinical is a borrowed concept from the medical profession to a legal education and so is its approach to understand, diagnose and cure the legal problems of client and society at large.

A student today suddenly at overnight cannot become a professional. A student for being professional needs to be furnished with specialized knowledge and often long and intensive academic preparation and practice. There are so many profession which on completing the academic theoretical course grants certificate and license to practice and profess the profession.

Medical Profession is regarded as the crucial profession where the life of an individual is in the hand of Doctor similarly Legal profession is also crucial as the life, liberty and property of an individual for balancing of societal interest and

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¹ Miller-Keane Encyclopedia and Dictionary of Medicine, Nursing, and Allied Health, Seventh Edition, 2003, *The Free Dictionary's Website* available at <http://medical-dictionary.thefreedictionary.com/clinical> accessed on 19th February 2017.

shaping of society is in the hand of lawyers. Nobody knowingly wants to be examined and treated by the inexperienced doctor and nobody wants to be represented by inexperienced lawyers. The easy being of professional from student without any intensive preparation and practice in the crucial fields like, medical profession and law profession is detrimental and unacceptable. Realizing this need the medical profession all over the world has set the criteria of clinical practice and experiential learning within their course of study to make students experienced and skillful. However, Legal profession is yet to adore and institutionalize this concept of clinical legal education all over the world.

Lawyers are society's professional problem solvers. Clinical legal education prepares students to become competent and ethical practitioners² by providing them opportunity to combine theory with practice.

The problem with the Legal education in Nepal today is lack of experiential learning, students are taught the theories and principles that fits only in books and universities whereas the practice, procedure and tendency on the other hand is other way. Legal Education in present context focuses on the pedagogical coaching part only which imparts theory to students in more comprehensive terms but the practical part remains desolate. As the consequences we can see the lack of enough and capable human resources as practitioner law professionals. There are over 15,000 License holder³ Lawyers in Nepal. Every year over five hundred law students pass Law degree and take Lawyers license⁴ however when the Judicial Service opens vacancy for recruitment only 70-80 persons pass and enter the Judicial Service. The New comer lawyers are also very few engaged in law practice. Law students in Nepal seem deviated to other jobs than real law practice.

The law profession in some of the European and American⁵ and some Asian countries has developed the clinical courses for experiential learning. The development of the clinical course in Nepal was set few years back by Purbanchal University, Tribhuvan University and Kathmandu University. However the spirit of the clinical course is yet to be institutionalized in the University level and the level of legal fraternity including BAR Council and BAR Association.

Clinical Legal Education is a new development in Nepal's legal education, the subject and arena is new to all the legal fraternity of Nepal. The area needs the cursory study of the practice of the clinical programs of the different universities of the world, and needs the research base academic recommendation to the

² Lusine Hovhannisian, *Clinical Legal Education And The Bologna Process*, PILI Papers, Number 2, December 2006 p.3

³ Nepal BAR Council, Yearly Report, 2070/71 *Nepal Bar Council official Website* available at http://www.nepalbarcouncil.org.np/documents/pragati_%20bibran%202071.pdf accessed on 10th March 2017.

⁴ Ibid.

⁵ David M. Siegel, *The Ambivalent Role of Experiential Learning in American Legal Education and the Problem of Legal Culture*, German Law Journal, Vol. 10 No. 7 p. 815

universities of Nepal for its meaningful implication and sustainable institutionalization.

2. Understanding Clinical Legal Education

Before being indulgent in Clinical legal education, one should understand what a good legal education is and its contents. In this regard Roscoe Pound has made some efforts to list the ingredients what good legal education comprises of⁶:

(1) A solid all round cultural training, with the grasp of significant information which such a training involves, but much more with the broadening and deepening of experience and ability to appraise information to which it leads;

(2) A grasp of the ends and techniques of the costal sciences-this only: for beyond that what has been taught in their name has been short-lived;

(3) A grasp of the history and system of the common law, of the outline and ends of the legal order, of the theory and ends of the judicial and administrative processes, and of the history, organization, and standards of the legal profession; and

(4) A thorough grasp of the organization and content of the authoritative legal material of the time and place and of the technique of developing and applying them. If one has these, he has whereon he can build to the exigencies of the many demands of different types of professional activity and of the public need of enlightened judges and wise lawmakers, of law reformers and law teachers, and of legal scholars.

Keeping in core the essentialities of the good legal education, clinical legal education evolved as a reflection of the good legal education in modern times. Clinical legal education of law students is a teaching method in which students assume the role of lawyer and are required to deal with legal problems.

Clinical Legal education has its seed in a case method of instruction, introduced by John Norton Pomeroy a professor of the University of New York City and advanced further by Christopher Columbus Langdell and credited much for the same⁷.

Clinical legal education is helpful in developing students' professional skills in real world settings and teaching the substantive, procedural, tactical, and ethical issues presented by a particular area of practice, clinics serve as an essential bridge between life before and after graduation from law school. Students gain a wide range of skills, including interviewing, counseling, and advising clients, representing clients in court, conducting legal writing and research, investigating and analyzing facts, drafting policy, developing negotiation skills.

⁶ Roscoe Pound, *What is a Good Legal Education?* American Bar Association Journal, (1933) p. 627.

⁷ Robert Stevens, *Law School: Legal Education in America from the 1850s to the 1980s* (1983) p.52

2.1 Approaches of Clinical Legal Education

Clinical Legal Education can be broadly categorized to have following two approach according to its understanding and approach. This categorization is only on the ground that what portions clinicians basically focuses on implementing the clinical legal education, the practical education of the students or the service the clinical education tries to render.

A) Student Centric Approach

The advocates of this approach are of the view that clinical Legal Education must aim at developing the skills, knowledge and experience of Students with different activities and programs.

Therefore the activities of this approach center its idea on role-play, simulation, Dummy Moot court practice, case study. The activities are more focused on classroom and academic activities within the institution.

B) Clinic Centric Approach

The advocates of this approach argue that there must be a 'clinic' for the clinical activities unlike in simulations or role-playing exercises students represent real clients with real legal problems through clinical legal education⁸. The focus of this approach is client and society at large. This approach aims at serving the interest of client in real natural setting.

The activities of this approach centers its idea on live client counseling and dealing, client representation in legal institutions, Drafting and registration of documents of client etc. These activities are more focused on field works with real live setting in contrast to classroom activities.

2.2 Principles of Clinical Legal Education

Principles show the foundation or the basis on which any subject matter stands and also tends to justify the purpose or the objective of the subject matter. From the approach, practice and the understanding of the Clinical Legal education following principles can be drawn.

A. Principle of Learning by Doing /Experiential Learning

Clinical legal education involves an intensive small group or solo learning experience in which each student takes responsibility for legal or law-related work

⁸ Clinical Education and Experiential Learning, Columbia Law School p.2 *Columbia Law School Official Website* available at http://web.law.columbia.edu/sites/default/files/microsites/admissions/jd/85461_clinical_education-viewbook_ppg_v3_12-9.pdf accessed on 10th March 2017.

for a client (whether real or simulated) in collaboration with a supervisor. Structures enable each student to receive feedback on their contributions and to take the opportunity to learn from their experiences through reflecting on matters including their interactions with the client, their colleagues and their supervisor as well as the ethical dimensions of the issues raised and the impact of the law and legal processes⁹.

B. Principle of Bridge between Theory and Practice

The principle of bridge between theory and practice implies that clinical legal education is the bridge that links the theoretical world and the practical reality. The core of clinical legal education is learning not the teaching. Therefore, the theory taught must be bridged by the self involvement in its practice. By means of simulations, the theories taught are let practiced to the students in the real or the imaginary situations. Externship and internship programs in clinical legal education helps students learn in the real setting the practical reality.

C. Principle of Service to community

Another principle of Clinical legal education is the service to the community. The activities undertaken by the clinical programs are either one way or other focused with community service and pro bono motive. The free legal aid clinics and in house clinics are established by the law schools to fulfill their responsibility towards the society and the law students are engaged to keep them in the real situation to serve poor and marginalized population.

D. Principle of Expounding New trends of Jurisprudence

Clinical Legal education helps learners expound new trends of Jurisprudence. The procedure relating to law, laws implementation and interpretation, common understanding and analysis of law in different context and situation keeps on changing as per time, situation and context. Thus various theories fade away and many new trends and theory and practice emerge and evolve in society. Clinical Legal education gives space to the learners to expound the new development and the strengths /gaps of the existing set of jurisprudence.

E. Principle of Professionalism Development

Law scholars are in the profession where they are given responsibility to carry the burden of cases of people. The law profession needs service as its core value for lawyers all do is the representation of the people's cases. It is well said that if a doctor is not professional he/she may ruin life of the client, but if the lawyers is not professional he/she may ruin life of the society. Clinical Legal education is thus introduced to sensitize the gravity of the legal profession and equip learners

⁹ Jeff Giddings, Promoting Justice Through Clinical Legal Education, Justice Press (2013) p.46

adequately with skills knowledge and practical experience necessary in the legal profession.

Professions play a significant role within the system of stratification, which unites the extremes of society¹⁰. Professions ensure that expertise is deployed in the general interest. A major function of the legal profession should be to assist people to obtain the social rights provided by law and to ensure that laws designed to reduce inequalities. Professional associations of lawyers shall promote programs to inform the public about their rights and duties under the law and the important role of lawyers in protecting their fundamental freedoms. It is believed that the professional lawyers will use their knowledge for the social good.

3. Prominent Activities under Clinical Legal Education

a. Street Law Program

Street law program is the program that gives an opportunity for law students to have exposure in the community dealing with the contemporary legal issues. The street law program includes advocacy, awareness, street drama, displaying pamphlets and poster etc in the community. The program also includes research of the prominent issues of community, legal campaigns, Training and orientation on law and procedure, lobbying for implementation of laws and regulation. The core of the street law program is that the learners are in touch with the people with some legal issues and agendas, the objective is to make a layperson aware of the legal provisions and procedures by conducting different methodologies.

This practice is widespread in US Law schools¹¹ and In Nepal this practice is started by Kathmandu School of Law inserting the ingredient as the course¹² component of BALLB 1st Year program.

b. Outreach Program

Outreach program is one of the techniques where the Students are taken to the community, where on they are allowed to stay for some time with the naturally set environment. This program on one hand adjust in the natural settings of life to

¹⁰ Words of Emile Durkheim cited by I. Bolivar René Njupouen, *Access to Justice for the Poor What Role for Bar Associations? The Case of Cameroon*, A Dissertation submitted in partial fulfilment of the requirement for the award of the Master of Science in Governance and Development Management University of Birmingham, School Of Public Policy International Development Department, September 2005.

¹¹ Prof. Edward, L. O'Brien, Emeritus, Democracy For All: Human Rights And Street Law Legal Literacy Programs, available at <http://www.nylslawreview.com/wp-content/uploads/sites/16/2014/11/OBrien.pdf> accessed on March 13, 2017.

¹² Course Outline of B.A.LL.B. Programme of Kathmandu School of law, *Kathmandu School of Law Official Website*, available at http://www.ksl.edu.np/program_llb.html accessed on March 13, 2017.

the learners to learn the behavior, pattern, procedures, culture, way of life and their connection with the law and society. Outreach program helps Mobilization of students in community to generate increased awareness of the community against problem like trafficking of persons, untouchability, violence against women, corruption etc. Mobilization of students and faculties in research activities, Advocacy activities, mobile legal aid services are the objectives of outreach program.

This practice is widespread in European law schools¹³, and in Nepal this practice is started by Kathmandu School of Law inserting the ingredient as the course¹⁴ component of BALLB 3rd Year program.

c. Simulations

Simulations involve the playing of roles within an overall imaginary structure. A simulation resembles something without being the thing itself. For example; Moot Court writing, here the imaginary case or situation is given to which the learner prepares the draft case file including all the legal documents. Mock Trial Advocacy, Moot Court Writing, legal drafting, mock client counseling, mock Alternative dispute resolutions are some of the instances of simulations used by law schools.

Simulations fulfill many of the objectives of clinical legal education. Other advantages include its cost-efficiency, its ability to focus on narrow issues and its ability to allow students to learn without the fears that accompany personal representation of a live client.

This practice is widespread in European law schools¹⁵, US Law schools¹⁶ and worldwide, and in Nepal this practice is included by all the universities with law faculties.

d. Externship Program

Externship Program is developed ineffective way to extend the scope of clinical programs within the law school curriculum. The students are placed as the intern in the firms, institutions or any other legal entity within their own condition. This include internship placement in government offices, business houses, law firms, judicial and quasi judicial bodies. They are less expensive than live-client in-house programs.

¹³ Clinical Legal Education, Available at, <https://en-law.tau.ac.il/clinics/> accessed on March 13, 2017

¹⁴ Ibid (n. 12).

¹⁵ Ibid (n. 13).

¹⁶ Ibid (n. 11).

This practice is widespread worldwide, and in Nepal this practice is included by all the universities with law faculties.

e. Legal Aid Clinics

The activity implies establishment of the legal Aid Clinic by the law schools in different themes like human rights clinic, tax clinic, agrarian law clinic prisoner's legal aid clinic etc. The clinics may either be supported by the state or not. The law schools corporate social responsibility is to serve to some extent the poor and the marginalized section of the society.

Legal Aid clinics established by law schools are the corporate social responsibility of law schools on one hand and the laboratory for teaching the practical works for their students on the another hand. Recent world realizes the importance of the free legal aid to the needy people and has inserted legal aid as one of the human rights and fair trail component in the criminal justice system. Therefore clinical legal education of recent times has its charm in Free Legal Aid clinics where the students learn to be a lawyer developing skills and knowledge of lawyers and attributes of socially responsive professionals.

This practice is widespread worldwide, and in Nepal this practice is included by Kathmandu School of Law inserting the ingredient as the course¹⁷ component of BALLB program and establishing and undergoing free legal aid clinic service Human Rights and Criminal Justice¹⁸ Clinic. KUSL also has insight of the clinic¹⁹ in its website.

f. Observation and Visits Program

Another important program under clinical Legal Education is observation and visits of Institutions relating to law and Justice whereby a law professional indulges as a main actor. The visits may be of Prisons, Detention Centers, Judicial Bodies, and Quasi Judicial Bodies etc. The main purpose of the observation and visit programs are to familiarize learners with the institutions and workplace where law professionals are supposed to go.

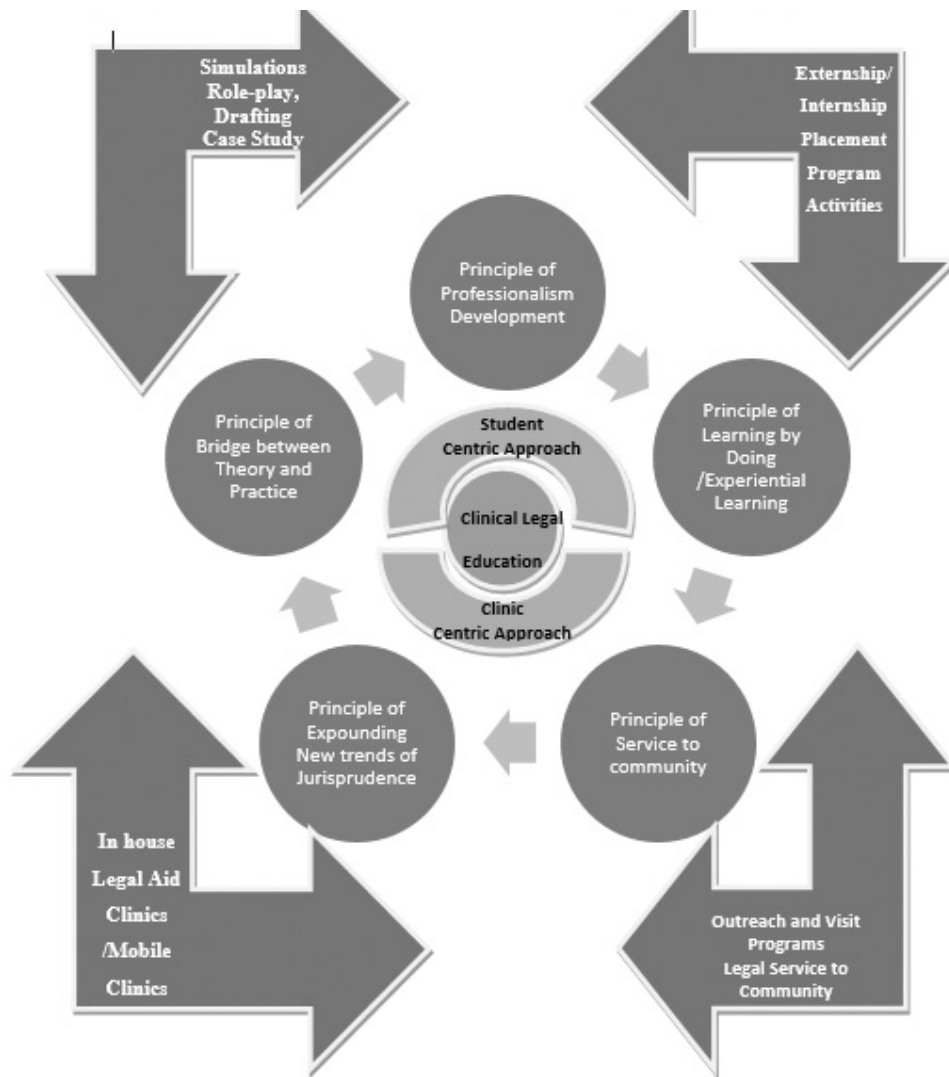
This practice is widespread worldwide, and in Nepal this practice is included by all the universities with law faculties.

¹⁷ Ibid (n. 12).

¹⁸ KSL Human Rights and Criminal Justice Clinic, *Kathmandu School of Law Official Website* available at, <http://www.ksl.edu.np/clinical-departments> accessed on 14th March 2017.

¹⁹ Clinical legal Education at KUSL, *Kathmandu University School of Law Official Website*, available at <http://www.ku.edu.np/kusl/upload/files/Clinical/Revive.pdf> accessed on 14th March 2017.

Summary of Clinical Legal Education



4. Legal Education in Nepal

Formal Legal education in Nepal started in the year 1970 B.S (1913) with the establishment of “*Sbrestha Pathasala*” an elementary school set up with an objective to produce trained junior level clerical manpower for administration of justice in the country. Being an elementary school, it could not impart theoretical and high level legal knowledge to cater the need of the country. Higher education in the legal field in Nepal started after the establishment of Law College in the year 2011 B.S (1954) by offering LL.B courses program. The courses offered mostly adopted the Indian model and Indian legal materials which did not matched with the national needs and national legal system. It is because, like other courses of at that time, Law College was established with an affiliation to Patna University of India²⁰.

With the foundation of Tribhuvan University in 1959, which started functioning from the year of 1960, LL.B programme managed by Law College with affiliation to Patna University were transformed into the legal education programme of Tribhuvan University, and legal education courses in the higher level then became an integral programme of Tribhuvan University.

An integration of LL.B programme with Tribhuvan University made it possible to revise the courses of study and to incorporate Nepalese laws and legal principles in the course contents of LL.B²¹. Recently, In Nepal the three Universities has the law faculty, Tribhuban University, Purbanchal University and Kathmandu University. Tribhuban University has 7 Law colleges under it, Purbanchal University has 3 law colleges under it and Kathmandu University has 1 law college under it.

4.1 Clinical Legal Education in Tribhuvan University

Clinical Legal Education Program was introduced in Tribhuvan University Law Campus in 1991. The enthusiasm of the younger generation of teachers to revamp legal education through clinical setting was, however, one of the less desirable events among many senior teachers and college administrators. As early as 1970s, Nepal Law Campus, the government funded law college in Nepal, made an attempt to introduce some elements of clinical legal education system. But for lack of university and State's cooperation, the program collapsed in few years. In

²⁰ Dr. Hari Sharan, Chakhun, *Legal Education in Tribhuvan University: Challenges and Prospective, 2014* available at: <http://edusanjal.com/blog/legal-education-in-tribhuvan-university-challenges-and-prospective#sthash.Astvz409.dpuf> accessed on 13th March 2017

²¹ A Brief History of Legal Education in Nepal, *Nepal Law Campus Official Website*, available at <http://www.nlc.edu.np/> accessed on 14th March 2017.

late 1990s, a group of law teachers including Yubaraj Sangroula in Tribhuvan University reinstated the program. But it too failed in few years²².

Recently Tribhuvan University has a five year B.A.LL.B. Programme since 2067B.S. Those students who have completed +2 or equivalent can apply for this program. Teaching methods of this program consist of lecture, case study, discussion, question-answer, problem solving, research, seminar, workshop, tutorial and self-study. The important feature of teaching include inter-disciplinary approaches, participatory and instructional materials which include power point, overhead projector, white board, note books, teaching guides, case materials etc. as required. Annual examination system is applied for this programme²³.

The curriculum²⁴ of the 5years BA.LLB of the Tribhuvan University incorporates Clinical Law I in the third year which contains alternative dispute resolution whose credit marks is 50, Clinical Law II in the fourth year which contains Litigation advocacy whose credit marks is 50, and Clinical Law III in the fifth year which contains Project work whose credit marks is 50.

4.2 Clinical Legal Education in Purbanchal University

Purbanchal University has its law program since 1999. Kathmandu School of Law and Harikhetan Law college of Birgung were the first college to get affiliated of the university in 1999 Harikhaitan college could not sustain long thus KSL was the only one law college under PU till 2010. Recently there are three colleges under PU namely Kathmandu School of Law (KSL), Chakrabarti Habi Education of Law, Kathmandu and Bright Vision Law College, Biratnagar. In the 5 years LLB program from its inception Purbanchal University had the clinical works subject as the non credit subject. Besides the course like moot court writing, trial advocacy, compulsory internship programs were credited subject which contained the ingredient of the clinical legal education.

The introduction of the BALLB program specifically inserted the clinical works subject in all the five years with total 350 marks credit²⁵. Also the subjects like moot court writing, trial advocacy, compulsory internship programs were credited subject which contained the ingredient of the clinical legal education is still there.

Besides the formal insertion of the clinical works as the credited subject, KSL runs the "Prisoners Legal Aid Clinic" and the "Human Rights and Criminal

²² Dr. Yubaraj Sangroula, 'Holistic Approach to Delivery of Legal Aid Services: Beginning from Community Responsive Legal Education and Professionalism', NJA Law Journal, 2007 p.217

²³ A Five Year Bachelor of Arts Bachelor of Laws (B.A.LL.B.) Programme, *Nepal Law Campus Official Website*, available at <http://www.nlc.edu.np/programmes/ballb/> accessed on 15th March 2017.

²⁴ *Curriculum of B.A.LL.B. Programme of Nepal Law Campus, Nepal Law Campus Official Website*, available at <http://www.nlc.edu.np/curriculum/ballb/>, accessed on 15th March 2017.

²⁵ *Ibid* (n. 12).

Justice Clinic²⁶, which currently provides service to indigent prisoners and victims of Human Rights violation from and around the Kathmandu Valley.

4.3 Clinical Legal Education in Kathmandu University

Kathmandu University has only one law school under it providing five year BBM LLB program. Kathmandu University School of law (KUSL) was established in December 2013. KUSL incorporates, Clinical Law I as Drafting Pleading & Conveyance, Clinical Law II as Alternative Dispute Resolution, Clinical Law III as Professional Ethics & Professional Accounting System, Clinical Law IV as Moot Court Exercise and Clinical Law V as Court Planning & Management regarding credited clinical course activities in its curriculum²⁷.

The KUSL intends to operate, On-Site Clinics²⁸. On-Site Clinics provide senior students with rich opportunities to receive practical training and gain valuable experience. Working under attorneys, students provide access to justice through serving clients from underserved populations. KUSL claims that it will develop an extensive clinical legal education program in the country. Students will earn academic credit while working under the supervision of a full-time faculty member and a practicing attorney.

<p><u>Tribhuvan University</u> 7 law colleges 3 having 5yrs BALLB 5 having 3yrs LLB</p>	<ul style="list-style-type: none"> • Compulsory Credited course of CLE in BALLB total 150 marks in 3rd 4th and 5th year. • CLE as optional 50 marks subject in LLB • Activities includes simulations, role-play, legal literacy, project works, internship, research
<p><u>Purbanchal University</u> 3 law colleges 3 having 5yrs BALLB</p>	<ul style="list-style-type: none"> • Compulsory Credited course of CLE in BALLB total 350 marks in 1st 2nd 3rd 4th and 5th year • Activities includes simulations, role-play, street law program, legal literacy program, internship, community mobile clinic, research, observation visits
<p><u>Kathmandu University</u> 1 law college having 5yrs BBMLLB</p>	<ul style="list-style-type: none"> • Compulsory Credited course of CLE in BBMLLB total 250 marks in in 1st 2nd 3rd 4th and 5th year • Activities includes simulations, role-play, project works, internship, research

²⁶ Ibid.

²⁷ Curriculum of B.A.L.L.B. Programme at KUSL *Kathmandu University School of Law Official Website*, available at <http://www.ku.edu.np/kusl/upload/files/Course-Summary-chart-Revive.pdf> accessed on 14th March 2017.

²⁸ Ibid.

5. Responsible Legal Fraternity for the promotion of Legal Education in Nepal

A. Nepal BAR Council

Nepal Bar Council is an independent legal institution established by the Nepal Bar Council Act, 1993. The main objectives of the Council are to promote, protect and regulate the activities of the law practitioners in a more professional manner. It discharges its duties and responsibilities in accordance with this Act and the rules and regulations framed there under in areas of internal Management, Financial Administration, Rules of Employees, code of Conduct for Lawyers, Curriculum for examination and conducting the examinations for law practice etc²⁹.

Though Nepal Bar council is endowed with the responsibility of developing Curriculum for examination and conducting License examinations after the students graduate, there is one element of cases study method and simulation writing inserted in the curriculum whereby 20 cases are provided to students to study and one missile for simulation writing and the examination is taken on its basis.

The monitoring and the evaluation of the clinical course taught in the law schools of different university is not done till date. There is no uniformity in the curriculum course of the law schools however the curriculum of the Bar council is uniform to all the students. Though Bar council has a legal education committee³⁰ formally established it is not focused on enhancing activities and clinical legal education in Nepal.

B. Nepal Bar Association

Nepal Bar Association was established in December 21st 1956. In its preliminary stage Nepal Bar Association was functional without formal registration and formally in the year 1963 the then His Majesty Government of Nepal registered it as a professional organization under the provision of National Guidance Act 1961.

Other different Act recognizes the status of the Nepal BAR Association, Interim Constitution of Nepal 2063³¹, Nepal Bar Council Act 2051 and Legal Aid Act 1997. Government sponsored Legal Aid Activities are to be conducted through Nepal Bar association. Thus Nepal Bar association is not only a professional

²⁹ Introduction of Nepal Bar Council, *Nepal Bar Council Official Website*, available at <http://www.nepalbarcouncil.org.np/> accessed on 15th March 2017.

³⁰ Legal Education Committee; Nepal Bar Council, *Nepal Bar Council Official Website*, available at <http://www.nepalbarcouncil.org.np/?url=content&id=7> accessed on 15th March 2017.

³¹ Article 113, Interim constitution of Nepal 2063, (Nepal Bar Association recommends one senior advocate to be the member of Judicial council)

organization but also a statutorily recognized institution having responsibility of performing some legally specified duties.

Being the professional organization Nepal Bar Association is responsible towards the law students and ought to be lawyers. Some of the unit Bar association of district and appellate conducts the BAR exam preparation classes for law students however no significant role is seen to promote professionalism development of ought to be lawyers from Bar association side.

American Bar Association has introduced the ABA Model rules of professional conduct Mandatory Clinical legal Education Regulations³² which specifically recognizes the clinical legal education in USA and is subject to mandatorily implemented. Nepal Bar council has introduced similar rules of professional conduct in the name of Code and conduct of the law professionals of Nepal 2051, however it does not imply and mentions the element of clinical legal education.

Having mandate of performing Government sponsored Legal Aid Activities, from Legal Aid Act the Bar association has set legal aid section in each bar unit but it is not effectively running. One of the reasons for the ineffectiveness of the legal aid section is the lack of dedicated human resources, realizing this recent development of setting legal aid clinics are globally accepted and institutionalized. But it is not yet realized by the Nepal Bar Association and Nepal Bar council of Nepal.

C. Law firms and Government organizations

There were 1376³³ law firms registered in Nepal till 2071. Few law firms are beginning to take law students as interns to assist them as well as practically teach them. National Human Rights commission³⁴, Law commissions³⁵ also take interns under them to law students.

The ingredients of the clinical legal education are somehow materialized by the law firms and the government organizations by placing law students as interns.

³² Mandatory Clinical legal Education Regulations, *American Bar Association Official Website*, available at http://www.americanbar.org/cle/mandatory_cle.html Accessed on 15th March 2017.

³³ Annual report of Nepal Bar Council 2070/71, Nepal Bar Council, *Nepal Bar Council Official Website* available at <http://www.nepalbarcouncil.org.np/documents/pragati%20bibran%202071.pdf> Accessed on 10th March 2017.

³⁴ Notices on Internship placement *National Human Rights Commission Nepal Official Website*, available at http://www.nhrcnepal.org/search_result.php?cx=partner-pub-9895341675032061%3A3517043398&cof=FORID%3A10&ie=UTF-8&q=Intern&sa.x=0&sa.y=0 accessed on 15th March 2017.

³⁵ Internship placement, *Nepal Law Commission Official Website*, available at http://www.lawcommission.gov.np/index.php?searchword=Intern&ordering=&searchphrase=all&Itemid=1&option=com_search&lang=en accessed on 15th March 2017.

Law schools have their innate role in convincing these institutions for sending students in externship programs. The credited subject in the course of the law schools also are supported with the externship programs.

6. Weakness of Law Schools of Nepal in Delivering Clinical Legal Education

We can find no writer contributing to the subject matter of Clinical legal education, neither on the local language nor in context of Nepal. Students depend on foreign writers books and articles for the understanding of clinical legal education. Neither the state nor the Universities have clear and uniform rules and regulations for regulating the activities of clinical legal education. Being the new subject matter to the Legal Education in Nepal there may be a lot of weaknesses in delivering clinical legal education in Nepal, some of the pertinent among them identified by the researcher are mentioned below.

1. Clinical legal education, which requires smaller numbers of students, per faculty member in order to provide quality supervision of student work and competent representation of clients this is however seems much hard in the countries like Nepal where more than five hundred students enroll in a year.
2. Student's enthusiasm to go to practice seems limited and practice of law portion is neglected by the young lawyers rather they are shifting to other scopes in NGOs, INGOs, Business house apart from practice.
3. The availability of financial and related resources in the developing country like Nepal is another constrain of the Nepalese law schools. Government is not showing any concern in promoting legal education.
4. State and donor agencies are not pro-actively inclined to support reforms in legal education. In Nepal, for instance, neither State nor donor agencies have channeled fund for development of 'strategic legal aid programs', nor 'reforms in legal education'³⁶.
5. NGOs often decline to work with Law Schools; rather they prefer to hire people as paralegals from outside of law schools. The legal education is, therefore, confined to become 'education of law' not the education of 'justice'³⁷.

7. Conclusion

Experiential learning is the spirit of Clinical Legal Education which provides opportunity to combine theory with practice and helps to develop professional

³⁶ Ibid (n. 22), p. 221.

³⁷ Ibid.

skills in law students. Student centric approaches and prominent activities like simulations, case study method, role-play and client centric approach with activities like live clinics, externships, street law programs, and outreach mobile clinics etc, clinical legal education emerged as the part and parcel of course requirement of law degree.

In Nepal among the three Universities having eleven law schools, the aspects of clinical legal education is inserted and reflected in the curriculum with varying understanding approach and application. The understanding of clinical legal education seems varying among law schools and legal fraternity and also the approach of clinical legal education in most of the schools of Nepal is student centric however some schools have the client centric approach as well.

The prominent Legal fraternity Nepal Bar Council and Nepal Bar Association are the actors responsible for the promotion and enhancement of legal education and professional development in Nepal; however it is not in this spirit, neither these institutions felt the necessity of the clinical legal education nor they felt the utility of law students in free legal activities.

These government and professional agencies need to consider the future of legal education in Nepal and include the mandatory clinical legal education as in USA and periodically monitor, evaluate and supervise and provide guardianship to all the law schools within the country.

State proactively needs to support reforms in legal education with necessary financial and technical support in promotion of clinical legal education such as strategic legal aid programs through legal aid clinics, compulsory internship programs in government offices, making easy access of law students in legal institutions for study visits and learning and the like.

Therefore, it will be wise for the Law schools of Nepal to learn from the experience of the world in Clinical Legal education and institutionalize clinical Legal Education in a manner where the law school bears uniform understanding, approach and activities.
