



Greening the Legal Curriculum: A Framework for Establishing Environmental Justice Clinics in Indian Law Schools

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Abstract. Environmental degradation and unequal exposure to environmental harms remain major challenge in the 21st century. Although it is undoubtedly true that the Indian legislative environment presents a substantive body of environmental legislation, there are still considerable impediments to the realisation of environmental justice, inspired in large part by the complexity in the procedure involved, as well as the lack of legal specialisation. This paper explores the possibility of law schools to enhance environmental governance and access to environmental justice by establishing Environmental Justice Clinics or also called Green Legal Clinics. Encompassing the methodologies of experiential learning, approved by the National Education Policy of 2020 and the Bar Council of India Legal Education Rules, 2008, the study proposes an institutional framework through which environmental advocacy, regulatory engagement, and community participation can be integrated into legal education. Using a doctrinal and comparative research design, the paper is critical in reviewing the available literature on environmental justice and clinical legal education. It looks at the models of environmental law clinics in different jurisdiction including transnational clinical networks and evaluates their relevance to the Indian legal and institutional context. The paper establishes that the Environmental Justice Clinic is able not only to reinforce the experiential legal education but also to expand access to environmental justice in the general populace. In so doing, these clinics provide law students with the practice skills needed to operate and impact environmental governance processes within the real world.

Keywords: Clinical Legal Education, Environmental Justice Clinic, Green Clinic, Legal Aid Clinics, Legal Clinics.

1 Introduction

Inequity in the exposure to environmental hazards has become one of the most significant governance challenges of the 21st century. Fast industrialisation, urbanisation and the massive mining of natural resources have added to ecological

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pressures in the global context. However, these environmental impositions are not equally shared; they unevenly impact marginalised and vulnerable communities, which are faced with increased pollution, environmental degradation and ecological risk. [1] The phenomenon is regularly conceptualised in the context of environmental justice that explains the mechanism of exposing vulnerable groups to both increased levels of environmental degradation and limited access to the legal remedies. [2] Empirical studies of environmental justice have always shown that the poorer communities, those with low income, and those marginalised, are located closer to the hazardous waste dumping sites, industries with high pollution and environmentally degraded zones. [3] Environmental injustice thus reveals the weaknesses of institutions in the environmental governance structures. Even though the environmental laws and control measures are on paper, they often lack the strength to provide a satisfactory protection to people who are most vulnerable to the effects of climate change. Initial research on environmental justice emphasised that environmental inequality is not merely a scientific or regulatory issue but also a legal and institutional problem involving participation, representation and access to justice in environmental governance. [4] Although environmental regulatory regimes have been extended across jurisdictions, there is a salient gap in the understanding of the environment rights and their practical realisation. The conflicts in the environment are usually complex administrative processes, specialised regulatory frameworks, technical scientific evidence and procedural impediments in courts and tribunals. Communities who have suffered because of environmental destruction are often ill equipped in terms of the legal capacity and institution to navigate such systems. [5] In turn, the simple statutory acknowledgment of environmental rights is not enough; the substantive environmental regulation involves the availability of legal knowledge, the presence of advocacy, and institutional assistance that would enable the community to engage in the environmental legal redress.

In this regard, legal education institutions are being recognized as important in strengthening environmental governance and improving access to environmental justice. Law schools do not only serve as repositories of doctrinal legal learning, but they also serve as training facilities to those who would be future legal professionals and must solve intricate regulatory and social problems. [6] Clinical legal education has grown as one of the relevant pedagogic innovations that fill the gap between theoretical training and its application. In the clinical programmes, learning is through practice when students solve actual legal problems guided by faculty members and practising legal professionals. [7] Clinical legal education is institutionalized in India by the Bar Council of India Legal Education Rules, 2008, which requires clinical courses to be offered in law school like legal aid and professional training as a part of curricula. However, most clinical programmes remain focused on more traditional legal-aid work and rarely interfere with the domain of environmental governance or ecological justice. The National Education Policy 2020 also places more emphasis on interdisciplinary learning, community practices, and experiential practices in higher education. [8]

In this context, environmental law clinics are promising models of institutions which combine legal education, environmental protection, and community outreach. Environmental law clinics structurally enable students and faculty to resolve

environmental conflict, regulatory compliance, environmental impact assessment and litigation in the public interest. These clinics were first popular in the United States in the 1970s when environmental regulation was extended and litigation became one of the main instruments of protecting natural resources and health. It is against this backdrop that Environmental Justice Clinics are discussed in this paper as a potential institutional model in legal education. It states that by integrating such clinics into the law school curricula, it is possible to further enrich the experiential learning process, expand access to environmental justice by marginalised communities, and build more participatory systems of environmental governance. [9]

2 Environmental Justice and the Gap in the Access to Environmental Governance

Continuing with the active inequalities committed by the structural inequalities, the concept of environmental justice has materialised as a critical theoretical and normative approach to questioning the unequal distribution of environmental harms and the marginality of the vulnerable populations under the domain of environmental governance. This theoretical paradigm took off with the social movements of the United States during the late twentieth century which clearly proved that the low-income and minority communities bore an imbalanced responsibility regarding hazardous waste sites, polluting businesses, and toxic landfills. Such discoveries made scholars and policymakers doubt that the environmental regulation, in some cases, reinforces the already existing social injustices instead of alleviating them. [10] It is generally argued that environmental justice theory can be expressed in three dimensions, i.e., the distributive justice, procedural justice, and recognition justice, which are interrelated. Distributive justice has to do with equitable distribution of environmental goods and liabilities where it is known that disadvantaged communities are regularly exposed to more pollution and ecological hazards and yet they receive less environmental assets and services. Procedural justice focuses on the fairness of the environmental decision-making process and substantive involvement of the affected communities which is often limited by complex regulatory procedures and technical expertise. Recognition justice confirms the need to respect the identities, cultural values and ecological epistemologies of marginalised populations especially Indigenous and resource-dependent communities. [11]

2.1 Environmental Governance Challenges

One of the main problems of environmental governance is the fine line of ensuring environmental protection and economic development. The pace of industrialisation, urbanisation, and growth of infrastructure developments have increased the strain on the ecology, which frequently results in a conflict between corporations, regulatory agencies, and communities involved. Industrial emissions, disposal of hazardous wastes and water pollution regularly cause conflicts that just depend on in-depth scientific evidence and elaborate regulatory processes, thus often making it impossible

to engage the community significantly. encroachment and industrial activities further intensify environmental governance challenges in India. [12] The Indian experience with environmental justice has often been promoted by judicial action and public interest lawsuits. The ruling of the Supreme Court in *M.C. Mehta v. Union of India*, (1987) 1 SCC 395 was the first to tackle the issue of industrial pollution by establishing the principles e.g. absolute liability of hazardous industries. [13] Similarly, in *Vellore Citizens Welfare Forum v. Union of India*, (1996) 5 SCC 647. [14] supported the precautionary principle and the polluter pays principle in *Indian Council for Enviro-Legal Action v. Union of India* (1996) 3 SCC 212 as the cornerstone elements of the Indian environmental law. Civil-society movements have also been very significant in environmental governance. [15] The Narmada Bachao Andolan movement highlighted the social and ecological consequences of big dams, thus predicting the rights of the people affected by the development of dams into the planning of development. The issue of environmental governance does not merely exist in India.

Globally, the climate-change litigation has grown with courts becoming more and more a place to hold governments responsible in ensuring that environmental protection is done effectively [16]. Greenpeace, Friends of the Earth and ClientEarth are civil-society organisations that have actively promoted environmental responsibility by pursuing the strategic litigation and regulatory advocacy. The environmental law clinics have also played a role in environmental justice through legal representation and advocacy of the affected communities. An example of this is the Environmental Law Clinic of the Tulane University law school which has helped residents in Louisiana to challenge industrial permits to pollute the environment and push communities into a greater involvement in environmental regulation. [17] Environmental governance is, therefore, not solely linked to courtroom litigation but includes regulatory involvement, policy advocacy, monitoring compliance, and involvement in administrative procedures like environmental impact assessments.

2.2 Access to Environmental Justice & Gaps

Although there has been an increasing awareness of environmental rights, there remains a gap between the simple availability of environmental laws and the ability of the community to exercise them. The intervention of the environment is often based on sophisticated scientific facts, professional law, and technical regulations that are not easy to follow by an average citizen. Litigation in environmental areas tends to require specialised legal experience, and expert testimony, as well as a considerable number of financial means, creating significant obstacles between poorer communities who want to go to court. The vulnerabilities to these challenges are particularly high among vulnerable groups such as the indigenous population, the forest-related communities, coastal populations, and small farmers, whose livelihood largely relies on natural resources. Lack of involvement in environmental decision-making also contributes to this gap, because the affected communities are systematically locked out of the competitive process of regulation which determines environmental governance. [18] The paper has thus highlighted the need to have institutionalised mechanisms that are

capable of closing the gap between the legal and the communities concerned. Clinical legal education presents a possible solution to such a system by combining experience and community-based legal services. Environmental legal clinics can make access to environmental justice stronger and at the same time enhance practical legal education through their rigorous legal research, advocacy, and community engagement. [19]

3 Placing Clinical Legal Education within the Constraints of Traditional Legal Aid Clinics

3.1 The History of Clinical Legal Education

The most significant pedagogical change in the legal education of the present day is Clinical Legal Education (CLE). Conventional legal education was more focused on the teaching of doctrine, the case study, the interpretation of statutes and theoretical statements. Although such a method was certainly training analysts and purists, it often lacked what a graduate would need to be ready to practice law in its practical reality and ethical demands. [20] Students in clinical programmes work on tasks with a spectrum of client counselling and legal drafting to negotiation, policy analysis and litigation strategy under the tutelage of experienced professionals. In this immersion, they develop practical skills as well as professional judgement. The rise of CLE in the late twentieth century was inherently linked with more extensive social-justice and access-to-justice movements. The initial U.S. programmes were not only thought out as the means of education but also the ways to address the unmet legal demands of marginalised communities. Gradually, the model expanded to other parts of the globe and became a part of the legal education systems of Europe, Asia, Africa, and Latin America. [21] As a result, CLE became a multidimensional teaching paradigm, which combines professional training, ethical growth, and public interest lawyering. According to scholars, clinical legal education is much more than just a pedagogical device; it is also a normative investment in justice. Clinical programmes generally become institutional crucibles in which legal education meets social advocacy so that the law schools can support the wider access-to-justice effort in addition to developing professional competencies among students. [22] The Traditional Legal Aid Clinic Model represents a type of legal aid clinic that was in existence prior to the modern model.

3.2 Traditional Legal Aid Clinic Model

The traditional legal aid clinic is the preeminent institutional structure of clinical legal education. These clinics are usually structured as a legal practice that is law-school based and offers free or subsidised legal services to the economically underprivileged groups of people with the entitlement of also serving as a training centre to the law students. These clinics typically focus on the individual disputes resolution, and they deal with cases which include family law, domestic violence, labour disputes, tenancy disputes and claims of property. Additionally, most clinics organise the legal literacy

campaigns and community awareness programmes and outreach activities to inform citizens about their legal rights. [23] Pedagogically, the model brings with it a number of benefits: students get practical exposure to the practice of law by interacting with clients, researching facts, writing legal documents and developing a litigation plan. These experiences allow building the necessary skills of law-yeering, which cannot be perfectly learned in a purely classroom environment. [24] At the same time, the model supports the ethical consciousness of students by fostering the interest towards communities where the access to formal legal services is hindered by some factors. Nevertheless, the conventional legal aid clinics have been founded mainly on individual based legal assistance. Institutional design is not aimed at addressing larger structural, regulatory, or policy-based legal issues but at addressing personal grievances.

3.3 Structural Limitations

These constraints are particularly high in the framework of modern environmental issues. Such collective and diffuse injuries as environmental harms (pollution, climate change, biodiversity loss, ecosystem degradation, and so on) are not traditionally targeted at a specific client, but impose damage on whole communities or ecological systems. Environmental law exists within an intricate regulatory framework which incorporates administrative adjudication, scientific evaluations, environmental guidelines, compliance regulations and policy bargaining. It is common to deal with such problems through interaction with regulatory bodies, strategic litigation, and policy advocacy instead of direct dispute resolution. [25] This in turn means that the traditional legal aid clinics, which focus more on the individual case work, are usually ill-equipped to meet the complexities of environmental governance. Environmental legal practice requires the skills of environmental impact assessments, regulatory compliance, interdisciplinary collaboration, overlay on publicly-interest environmental litigation. Furthermore, environmental advocacy usually requires liaison with scientists, environmental organisations, community organisations and policymakers. These interdisciplinary and community-based models are rarely incorporated into the traditional legal aid clinic models. The increased popularity of climate litigation also adds to the necessity of specialised clinical frameworks. Transnational legal approaches, public-interest litigation, and cross-border advocacy are increasingly being used by climate-related disputes. A possible solution to the structural transnational environmental clinics can be seen as a critical institutional site in which law students can be mobilised as participants in global environmental justice and climate litigation projects.

4 Environmental Law Clinics in Foreign Jurisdiction

Environmental law clinics have become an essential institutional tool in the effective integration of legal education with practical environmental governance, effectively between theory and practice. Offering the combination of the experiential learning practice and advocacy of the public interest, these clinics allow law students to directly

address the issue of environmental controversies and, at the same time, help to protect the environment and impose regulatory responsibility. Administrative advocacy, litigation assistance, and community representation activities are some of the activities that transform doctrinal knowledge into practical legal responses. [26]

4.1 Environmental Law Clinics in the United States

Students can have practical experience in real environmental disputes that focus on pollution control, land-use disputes, and the implementation of environmental regulations at institutions like the Georgetown Environmental Justice Clinic and the Tulane Environmental Law Clinic. The American environmental clinics are commonly characterised by an extensive list of activities, such as the environmental litigation, community representation, advocacy before the administrative agencies, and policy research. The students under these programmes help in writing legal pleading, writing regulatory filing, investigation, and making public policy reports. In the previous part of this paper, the Tulane Environmental Law Clinic demonstrates the manner in which these clinics can be used in the environmental governance systems. The clinic has been representing the communities that are victimised by the effects of industrial pollution in Louisiana and have participated in regulatory processes before the environmental authorities. [27] These programmes demonstrate the two functions of environmental clinics, to enhance the enforcement of environmental law and to provide practical training to students on environmental law. Environmental clinics also enhance the levels of democracy by raising the voices of the marginalised communities which are usually not represented legally. However, researchers observe that these clinics may face a political backlash by other industries or regulatory bodies that consider their operations as meddling in the administrative activities. [28]

4.2 Environmental Clinics in China

The environmental clinics are common in China and often are based on the partnership between the law schools and the environmental non-governmental organisations (NGOs). Through these partnerships, the clinics are able to participate in environmental controversial issues and regulations that would not have been available in the conventional legal education systems. Students who have to work in these clinics help NGOs to conduct a legal research, document environmental violations, and aid in litigation and policy advocacy. These partnerships can be used to compensate institutional barriers, including the standing rules, funding constraints and infrastructural constraints law schools are typically exposed to. Through collaboration with environmental organisations, clinics are exposed to actual cases and can take interdisciplinary problem-solving methods. [29] As a result, the environmental awareness in China has increased, legal skills of advocacy, and environmental governance have improved due to environmental clinics in China.

4.3 The Transnational Environmental Legal Clinics

Environmental-law clinics are becoming more transnational networks that can be used to discuss the global environmental issues like climate change and environmental human rights. Transnational legal clinics allow international students and faculty to work together in environmental litigation, law policy research and law advocacy. Such collaborations are often associated with the preparation of *amicus curiae* briefs, the impact of comparative legal research, and the promotion of climate litigation in a strategic manner. One example is the project of the McGill University and the Pontificia Universidad Católica del Peru, in which students of the two universities together prepared an *amicus curiae* brief in a climate-litigation case. These efforts illustrate the role played by transnational clinics in enhancing the development of global environmental jurisprudence and at the same time enriching experiential learning among students. [30]

Similar initiatives have also begun to emerge in India. For example, the Environmental Law Clinic at the National Law School of India University (NLSIU), Bengaluru promotes environmental governance through legal research, community engagement, and policy advocacy, [31] while the Environmental Law Clinic at Jindal Global Law School supports interdisciplinary research and regulatory engagement on environmental and climate justice issues. [32] Altogether, the examples of environmental-law clinics in various jurisdictions demonstrate the efficiency of the clinical legal education as a combination of legal education, environmental regulation, and community activism. The experiences gained in these parts of the world can be of great use in the concept development of similar institutional models in other legal-education systems.

5 The Environmental Justice Clinic Model: A Proposed Institutional Framework

Although environmental-law clinics have produced some success in a variety of jurisdictions, they are not well represented in most developing legal-education system. This essay suggests an Environmental Justice Clinic model, which is a new institutional regime aimed at encompassing environmental governance with the study of law. Conventional legal-aid clinics are usually concerned with solving a single case of law in family law, labour disputes or any property disputes. However, the environmental controversies tend to be collective harms of the whole community and the ecosystem. The environmental justice clinics therefore have to be involved in the environmental regulation, administrative decision making, and involvement of the people processes of environmental governance. In a number of aspects, environmental justice clinics are thus not similar to the traditional legal-aid clinics. Whereas conventional clinics are focused on single law disputes, environmental justice clinics are focused on environmental collective harms and regulatory governance. The focus in environmental clinics is on preventive intervention, checking regulatory compliance and involvement of the community in the making of environmental decisions.

5.1 Environmental Justice Clinics Ecological Model

The Environmental Justice Clinic model proposed can be taken into consideration as an institutional ecosystem consisting of four interconnected parts. The pedagogical centre of the clinic is the academic wing. It has a credit-based clinical course during which students are given training on environmental law, environmental litigation, and regulatory advocacy under the supervision of the faculty. The field wing deals with community work. As part of this component, the clinic engages directly with communities harmed by environmental ills, undertaking environmental awareness programmes, environmental documentation exercises, and environmental dispute intake management. The institutional wing forms alliances with the institutions of governance like forest departments, pollution control boards, legal services authorities, and environmental NGOs. These partnerships allow the clinics to be involved in the environmental-governance processes and assist in the regulatory compliance mechanisms. The research wing deals with environmental-policy research and observation. Through research, students make advanced contributions in knowledge related to environmental-impact assessment, climate-governance and environmental compliance frameworks to evidenced-based environmental governance. Environmental Justice Clinics are organised in a continuum of environmental governance areas, each needing specific expertise and strategic interaction. Pollution regulation is one such area, whereby the clinics aid in the submission of complaints to pollution control boards, and which are keen on ensuring that the environmental laws are observed. The other key front pertains to the rights of communities in the environment especially protection of forest management and tribal environmental freedom. Clinics also play a role in preserving the wildlife and biodiversity by helping authorities deal with wildlife crime and assist them in dealing with biodiversity governance. Last but not the least, the clinics are involved in the process of environmental impact assessment and climate governance, scrutinising reports on compliance and strengthening the citizen engagement in environment-related decisions.

5.2 Operational Workflow

The typical workflow of Environmental Justice Clinics includes a well-organised operational model sequence that includes the following consecutive steps:

Case Intake : Conflict Check → Fact Finding → Legal Drafting → Filing or Regulatory Support → Impact Assessment

The process will make sure that clinics operate both as a learning institution and as an agent of environmental governance, whilst being able to afford a student the experience of learning.

6 Conclusion

Unequal exposure to environmental harms and environmental degradation remains a major governance and justice challenge in the twenty-first century. This study demonstrates that environmental injustice arises not only from ecological degradation

but also from institutional and legal constraints that limit the meaningful participation of affected communities in environmental decision-making. In spite of the fact that countries like India have come up with comprehensive environmental regulatory systems, there is still a substantial gap between nominal acknowledgement of environmental rights and actual realisation. The cost of environmental litigation is frequently prohibitive of access to formal remedies by marginalised communities due to complex regulatory processes and the need to have technical scientific evidence. In this regard, law schools can have a significant role in enhancing environmental governance and increase the access to environmental justice. Clinical legal education has come out as a world pedagogical approach that fills the gap between the doctrinal legal teaching and the real-world legal practice. Nevertheless, the conventional legal-aid clinics are still almost personalised in the approach to solving a single dispute and they are consequently restricted in solving the complicated environmental governance issues. The model of Environmental Justice Clinic suggested in the present study provides an institutional model that combines environmental governance with practical legal education under community involvement, regulatory advocacy, interdisciplinary research, and people-serving litigation. The practice in other jurisdictions (including the United States, China, and transnational clinical networks shows that environmental law clinics can enhance environmental accountability and civic engagement. The creation of Environmental Justice Clinics is also in line with the aim of the National Education Policy 2020, which focuses on experiential learning, interdisciplinary collaboration, and socially relevant education. Their successful implementation can be facilitated through institutional recognition under the clinical education framework of the Bar Council of India as well as through collaboration with regulatory bodies, civil society organisations as well as academic institutions. [34] Moreover, Environmental Justice Clinics should be given sustainable funding by the corporate social responsibility programmes, university research grants, and environmental litigation support funds as research has found that insufficient funding, exposure, and institution support usually limit the effective sustainability of legal aid clinics in the long term. [35] Combining Environmental Justice Clinics with Indian law schools could thus change environmental law as a largely doctrinal field into an implementable instrument of environmental governance, and it will enhance access to justice and train future lawyers to deal with complex environmental and climate issues.

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