

Welfare Rights and the Law Clinic -II

- By Professor Sneha Mukherjee (Clinical Assistant Professor of Law, Jindal Global Law School)

This is an 8 credit (year-long) course “Welfare Rights and the Law Clinic-II” spanning 2 semesters being offered in collaboration with the District Legal Services Authorities, Sonipat.

Through this course students will engage in in-depth understanding of welfare rights laws, citizenship clinics, and the rights of clients applying for public assistance, along with practical skills for running or assisting in welfare rights clinics. Students will gain the knowledge needed to represent indigent and marginalized clients in matters relating to public benefits such as Identity Cards, Social Security, Medical aid, food assistance, housing, and other social safety net programs implemented by the Central Government. Through the clinic students will develop practical advocacy skills, including legal research, client interviewing, case preparation, and court representation. The modules will focus on familiarizing and engaging with policies of the Central Government that govern public assistance programs., learn ways to assist clients in appealing benefit denials, navigate administrative hearings, and gain experience in handling real-life cases through clinic activities or simulations.

During the period of the clinic, students will assist and participate in Legal Awareness camps as well as legal aid camps set up to assist community members with the process of applying to welfare cards and schemes by the Central Government. Students will also contribute to the drafting and creation of a Handbook on the welfare schemes with the aim to demystify the schemes and the process with guidance on resolutions for impediments with the processes.

Course Objectives:

By the end of this course, students will:

- Understand the key central government social welfare programs and benefits available to marginalized persons and families.
- Develop practical advocacy skills, including legal research, client interviewing, case preparation, and court representation.
- Be familiar with central government governed public assistance programs.
- Learn how to assist clients in appealing benefit denials and navigate administrative hearings.
- Gain experience in handling real-life cases through clinic activities or simulations.
- To ensure that 50-70 applications are filed on behalf of the clients, with each student taking responsibility for at least 3-5 applications each over the semester.

Course Structure:

The course is divided into modules and includes lectures, readings, skill-building workshops, case studies, role-plays, guest speakers from the field, and hands-on clinic work in the villages.

Please note that you may be required to visit villages over 5 Saturdays for intervention work.

Tentative Course Structure

- Introduction: Clinical Legal Education and Self-Reflexivity

Readings:

- Ivan Illich, To Hell with Good Intentions, in *Combining Service and Learning: A Resource Book for Community and Public Service* 314 (Jane C. Kendall ed., 1968)
- Eve Tuck and K. Wayne Yang, Decolonization is not a Metaphor, 1(1) *Decolonization: Indigeneity, Education & Society* 1 (2012)
- Virginius Xaxa, How KISS and Indian Anthropology degrade Tribal People, *The Caravan* (August 2021)

Module 1: Introduction to Welfare Rights and Public Assistance Programs

- Introduction to Citizenship, Development and Rights

Readings:

- Anupama Roy, *Mapping Citizenship in India*, Oxford University Press, 2010
 - Gopal Guru, How Egalitarian are the Social Sciences in India, *Economic and Political Weekly* (2002): 5003-5009
 - Manoranjan Mohanty, On the Concept of Empowerment, *Economic and Political Weekly* (1995): 1434-1436.
- Overview of Welfare and Public Assistance Systems
 - Definition and purpose of social safety nets.
 - Historical context and evolution of welfare programs.

Readings:

- Swati Narayan, *Unequal: Why India Lags Behind Its Neighbours*, New Delhi: Penguin Random House India, 2020
- Jean Drèze, and Ritika Khara, “Recent Social Security Initiatives in India.” *Economic and Political Weekly* 48, no. 24 (2013)
- A Seth, A Gupta and M Johri, “Delivery of Social Welfare Entitlements in India: Unpacking exclusion, grievance redress and the role of civil society organizations.”

Learning. Outcome: Understand the intersection of law and sociality with the experience of the law through a critical framework.

Module 2: Key Public Assistance Programs

Readings:

- Akhil Gupta, *Red Tape: Bureaucracy, Structural Violence and Poverty in India*, Durham/London, Duke University Press, July 2012
- Neera Chandhoke, *Seeing the State in India. In State and Civil Society: Exploring the Relationship*, 1-24, New Delhi: Sage Publications, 2007

- Ritika Khera, “The UID Project and Welfare Schemes.” Economic and Political Weekly 46, No. 9 (2011)
- The Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), 2005
- Ayushman Bharat Yojana
- Pradhan Mantri Awas Yojana
- Pradhan Mantri Matritva Vandana Yojana

Learning Outcome: Understand the various welfare programs and their eligibility criteria.

Module 3: Legal Rights of Welfare Recipients

- Who qualifies as a recipient?
- Civil Society v. Political Society
- Rights of Citizens under Welfare Programs
 - Constitutional Right to welfare
 - Citizenship, Rights and access to public benefits
 - Right to apply, receive benefits, and appeal decisions
 - Protections against discrimination and fraud accusations
 - Learning eligibility criteria, benefits under welfare schemes and application & verification processes.
- Understanding Appeals and Administrative Hearings
 - The process for appealing benefit denials
 - How to draft legal representations against cases of denials and application pendency.
 - How to file a formal grievance and prepare for hearings
 - Analyzing case law that impacts welfare recipients
 - Workshops on client counselling and legal drafting

Readings:

- Upendra Baxi, “Access, Development and Distributive Justice: Access Problem of the Rural Population,” In Law, Justice and the Rural Poor, edited by A Kirpal
- Jayati Ghosh, “Development for Whom?” Great Transition Initiative, June 2017
- Surinder Jodhka, The Indian Village: Rural Lives in the 21st Century, 1st ed. Delhi, Aelph Book Company
- MM Sarkar, A Study of Women Welfare Sectors and Their Arrangements in Haryana.
- Naila Kabeer, Building Livelihood capabilities for Women’s economic empowerment: an evidence-based theory of change,

Learning Outcome: Understand the legal rights and responsibilities of welfare recipients and the process of challenging wrongful denials.

By the end of this module students will know all the benefits and schemes, the criteria and forms required for access.

Module 4: Practical Advocacy and Legal Skills

- Writing Appeals and Requests for Benefits

- How to write persuasive legal arguments for appeals
- Preparing and submitting necessary documentation
- Representation at Administrative Hearings
 - Overview of administrative hearings
 - How to represent clients in hearings effectively
 - Cross-examination and presenting evidence

Learning Outcome: Develop skills to effectively represent clients in welfare hearings and write legal documents on their behalf.

By the end of this module students will know how to interview clients and fill up the form and intervention works will start.

Assessment

The course will have continuous assessment. By the end of the course, the students will have worked on assisting community members from villages apply for welfare schemes and benefits under them and assist them with follow up and appeal processes. The students will have also worked on preparing a Handbook on the welfare schemes with the aim to demystify the schemes and the process with guidance on resolutions for impediments with the processes. The aim would be to have this Handbook translated into different languages and widely disseminated with the help of our collaborators and partners.

**The course instructor has contact with the persons she aims to bring in for the guest lectures but their availability has not been confirmed at this time.*