

A Reflection On The Clock Programme: Experiences Of An Exchange Student From India

बीज शब्द :

Cultural exchange programme, C.L.O.C.K., at Institute of Social Sciences, Education, Keele University UK

ISSN 0975 1254 (PRINT)
ISSN 2249-9180 (ONLINE)
www.shodh.net

A Refereed Research Journal
And a complete Periodical dedicated to
Humanities & Social Science Research

शोध संघ

This article shares the experiences of the Community Legal Outreach Collaboration, Keele (CLOCK) by a student of Tata Institute of Social Sciences who underwent an exchange study programme funded by UK India Education and Research Initiative (UKIERI) at Keele University in the month of May - June 2015.

Sugandha Singh Parmar
MA Women's Studies
Tata Institute of Social Sciences
Hyderabad

An exchange study brings in an exchange of cultures, teaching methods, learning methods and much more that develops one's understanding of the subject. Community Legal Outreach Collaboration, Keele (CLOCK) is one such opportunity which is supported by UK India Education and Research Initiative (UKIERI) and I went for an exchange study at Keele University through Tata Institute of Social Sciences. CLOCK programme aims to train students to provide legal assistance to those who need it during or before their legal proceedings. It has been very successful in Stoke-on-Trent area and as a result, many organisations are building partnership with CLOCK. University of Sussex and University of Brighton are also giving CLOCK training to its student in collaboration with Keele University. To me CLOCK is not just a training for law students at Keele University but a model that is apt for students around the world. The programme is in progress since its inception and the School of Law has played an important role in its success. During this programme, I felt, the most appreciable part is that, the students and trainers are working voluntarily. Their will to assist and dedication to work has been appreciated even by the court as well as police station and other organizations.

This training was organised in a way that I could get the classroom teaching as well as the experience of court rooms, police station, YMCA, Asylum and Immigration tribunals, observe Crown court criminal proceedings and met the Designated Family Judge at the Stoke on Trent Combined Court. There was training for, "form filling", "mediation process", and "maintaining files" and "referring the client". During the training sessions, I learnt varied aspects of the legal aid and the importance of it to people.

Initially, the whole issue of legal assistance was triggered by withdrawal of a substantial part of the legal aid by the UK government. Withdrawal of a large amount of legal aid means difficulty in accessing justice by those who can't afford to pay heavy amounts of fees to fight for their legal rights. And if there is no access to justice, it might lead to exploitation of people sometime. Thus, the idea of legal companion fits in aptly. Besides providing legal assistance to the clients, a legal companion can also refer the clients to organisations. Before taking any

legal action, there are many things that are to be understood and done by the appellant. Organizations like 'Voices of Experience', 'Lewis Rodgers Solicitors', 'Family matters', 'Citizen Advice Bureau', etc. help appellant with their case. As a CLOCK Trainee, my first visit was to SANCTUS which is an organization that helps asylum seekers and refugees to solve the issues of housing and legal status. Apart from this, SANCTUS organizes a social meet for them every Wednesday. These social meetings facilitate a platform for volunteers to meet them and listen to their problems, also for the people to find others with common interest or common views and share their stories and their culture with others. In the meeting, there were several volunteers from Citizen Advice Bureau (CAB) which is an organisation that provides legal advice, relationship advice and financial and housing advice to the people. I interacted with many refugees who had their stories of migration and some of them were very emotional too, but most of them were happy being together. Thus, it is very important to understand that these people who live under a constant threat of being arrested due to their illegal status and are unable to work and earn or educate their children, need legal assistance and legal aid, not only this, they also need emotional support to fight for their rights.

During the training, I had opportunity to visit some more organisations like SANCTUS which are completely dedicated to work for these people. One such organisation that I visited is YMCA, Hanley, that supports young people and also provides family counselling. CLOCK students can refer YMCA to clients when a family counseling or mediation is required. Another such organisation is, Family Matters, which supports people with divorce cases. They carry out Mediation, Information and Assessment Meeting (MIAM) and also work with parents to develop an action plan for their children that addresses issues that may come up after separation. In India, with a history of low rates of divorce, the mediation process is just a voluntary act (until recently) and therefore not many couples go for a mediation process which leads to further complications between the two and also adversely affects the child's life. The cases where the court referred a mediation process were only those which were pending for a long duration or where the judge felt a need for it. For a legal companion, it becomes very important to know that MIAM is compulsory for the applicant but not for the other party. Also, mediation gives clear picture

about the case and builds concrete points for the case. I also visited the Court, Police Station and Immigration and Asylum Tribunals. It gave me a good insight of the legal processes. I had the opportunity to sit for the hearings of three cases, out of which two were cases of criminal offenses and one was hearing for immigration at the upper tribunal. In the police station, representatives from Lewis Rodgers Solicitors and Voices of Experience, gave insights about Domestic Violence and the legal procedures to fight against domestic violence. Shawn, who is a sexual and domestic violence survivor, is now a key speaker in the organisation. She not only shared her experience but also narratives by other victims. It felt amazing to see her as a confidant and independent speaker. In my views, she is a role model for other survivors of domestic violence. She also shared stories by children who were exposed to child abuse, domestic violence and other forms of violence at home. There were stories by even 5 year old children who were terrified and scared but now are trying to build up their confidence with the help of Ms. Shawn and her colleagues. The talk made it very clear to me that a child abuse victim or a domestic violence victim needs emotional support, financial support, housing, work, education for children and many other kinds of support. But one more important factor is that, in the court, it becomes difficult for the survivors to face their own family members and charge them of domestic violence. Anna Brunt, from Lewis Rodgers Solicitors, explained the measures taken to avoid the confrontation so that survivor's emotional and mental well-being is ensured. These measures are very important for survivor's safety. In some of the cases the survivors and the accused are kept in separate rooms where they cannot see each other. In some other cases, video trail are also done. Such provisions in cases of violence are praise worthy. In domestic violence cases, the rates of conviction are low in India. The gendered understanding of the state, the law and the state actors results in a perception that the cases registered against domestic violence make misuse of the law and thus the act is seen as unnecessary. And the fact that India has a domestic violence act unlike UK, gives rise to a debate on whether the act should be retained or should it be remodelled. But to me, the most important question of the domestic violence protection law is that though it clearly defines violence as emotional, physical and sexual violence in both the countries, providing evidence for emotional damage becomes subjective and thus very difficult for

the survivor to prove . A detailed study is needed to find out the ways in which this problem can be sorted out.

As a student of gender, I had planned to look at this training with a gender lens and find out what can I possibly learn and apply, with this sort of training in India. To me, getting CLOCK training meant getting insights about the laws in UK. But eventually, I realized that CLOCK is much more than that. The model is not only valid in India but it can be used globally for people who otherwise do not have access to justice due to their vulnerabilities. Gender minorities often face violence but due to the taboo attached, and the vulnerability, they are unable to fight for their rights. Drawing from CLOCK model, providing a legal assistance to people who are emotionally, physically, and financially weak, is crucial to every society. After getting trained under CLOCK programme, as a social worker I can extend my support as a legal companion to those who need assistance in court. Being literate is an advantage in itself when it comes to filling forms in the court and for other legal procedures. And now, having completed my CLOCK training, I have experience of a court's trial, giving emotional support to appellant, imparting knowledge about laws in their case and options available for them. I look forward to bring such an organised effort to India and other countries too as the effectiveness of legal protection to all the citizens might not be very high in all the countries or for all the sections of people in countries. For example, in India, Article 39(A) of the Constitution ensures equal justice and free legal aid to all. In 1987, Legal Services Authorities Act was implemented to provide an authority to organize the schemes for the legal aid schemes in India. Under this act, National Legal Services Authority was formed to ensure the legal aid to those who are eligible and also referring some to the lokadalats. Cases that are referred to the LokAdalats are either to be taken to the courts or are pending before the court. The cases are referred only when parties agree to it. There is a need to explore the effectiveness and progress of this authority as it is important to find out the number of people who are able to get access to justice with legal aid provided by the authority and also if they are able to get a legal aid at all. As in UK, decisions about legal aid lies in the hands of the government and thus, when it was found that there are cases of inappropriate use of the legal aid, they immediately declared withdrawal of large portions of legal aid provided to the people. As a consequence, there were

thousands of people left with shattered hope and lost confidence of getting justice. CLOCK came as a big hope for these people and continues to assist people free of cost. Similarly, there are organisations like Lawyers Collective which provides expert legal assistance by professional lawyers, law students and human rights activists. There are other NGOs too that provides public services to people who fall under the minorities. Thus, there is a wide scope for me to work as a legal assistant in India and apply my skills that I have learnt during the CLOCK programme.

I want to express my thanks to Tata Institute of Social Sciences and Keele University for developing a wonderful exchange opportunity for students like me. I would also like to thank Prof. Lakshmi Lingam, our deputy director for her constant support to us before and during the programme. My special thanks to Dr. Jane Krishnadas, Senior professor in the School of Law at Keele University, the director of the CLOCK programme who always was there to help and guide us. I also want to thank SANCTUS, Voices of Experience, Family Matters, YMCA, Crown Court, Immigration and Asylum Tribunal, Lewis Rodgers Solicitors, Citizen Advice Bureau and their representatives to take out time from their schedules to share important information and experiences with us. I am grateful to Ms. Sally and Ms. Jane from SANCTUS who arranged our meeting with the refugees and also, the people who shared their life stories with us. Also a great thanks to my parents, who constantly supported me financially and emotionally, and specially my sister who is a law student and helped me in understanding the status of legal aid and McKenzie friends in India. I am also grateful to Mr. Sukumar Krishnadas, who is an activist and has also worked with Staffordshire Police Department, for sharing his story of activism in India and the importance of legal rights in India.

Conclusion and Outcome

Living in UK and accessing the libraries of Keele was a great opportunity for me. Also, exploring the Student's Union and interacting with international students broadened my perspectives and views on my own life and how I see others. The method of study is different to what it is, in India; it gave me an opportunity to explore many aspects of one topic and this helped me develop my own perspective and views on the topic. I have gained a comprehensive knowledge on Domestic Violence and emotional, physical, financial aspects of it. Also, sexual violence and concerns around it is clear in my mind.

(Continued on Page no. 84)

United Nations through this principle tried to infuse an equitable and just system in the international regime so that all the states of the world could be treated equally as legal personalities. This equality of states under the international law brought serious changes in the traditional conception of sovereignty. It no more remained a non-refutable canon of law and sovereignty that used to be interpreted in political terms. The principle of 'sovereign equality' has a significance role in giving a legal construct to the concept of state sovereignty.

References

1. Biersteker, T., & Weber C., The Social Construction of State Sovereignty, In: Biersteker T., & Weber C., State Sovereignty as Social Construct, Cambridge: Cambridge University Press, at 2, 1996.
2. Ruggie, J. G., Continuity and Transformation in the World Polity: Toward a Neorealist Synthesis, World Politics, Vol. 35:2, pp261-28, 1983.
3. Badescu, C.G., Humanitarian Intervention and the Responsibility to Protect: Security and Human rights, Oxon: Routledge, at 20, 2011.
4. Reus-Smit, C., Human Rights and the Social Construction of Sovereignty, Review of International Studies, Vol 27, at 519, 2001.
5. Kooijmans, P. H., The Doctrine of the Legal Equality of States: An Inquiry Into the Foundations of International Law, Leyden, pp. 52-57, 1964.
6. Hobbes, T., Leviathan, Ch XIII, Penguin, Richard Tuck, ed., pp. 187n`88, 1986.
7. Gilson, B., The Conceptual System of Sovereign Equality, Leuven, Peeters, at 59, 1984.
8. Oppenheim, L., International Law: A Treatise, Longmans, 8th ed., Vol. 1, § 115 at 263, 1955.
9. Jennings, R., Opinion Regarding the Exclusion of Israel from the United Nations Regional Group System, at 19. November 1999.
10. Supranote 5, pp 66n`68.
11. Dickinson, E. D.W., The Equality of States in International Law, Harvard, pp 34n`67, 1920.
12. Vattel, E., The Law of Nations, Book I, Introduction, at 7, Transl. of the ed. of 1758 by Charles G. Fenwick. Repr. of the ed. of 1916. Buffalo, New York: William S. Hein & Co.
13. Kelson, H., The Principle of Sovereign Equality of States as a Basis for International Organization, at 207, 53 Yale Law Journal, March 1944.
14. United Nations Charter Preamble, 6 June 1945.
15. Charter of The United Nations, 1945.
16. Supranote 5 at 242.
17. UNGA Resolution 2625 (XXV), 24 October 1970.
18. Supranote 7.

(Continued from Page No. 70)

Joining CLOCK and going through the training, and also staying in the campus has brought in, many new experiences in my life. These experiences have formed my perceptions about different cultures, problems of people from different regions and also their adaptation strategies. The exchange programme has created a cross-cultural experiences and an exchange of methods and views for me. I am delighted that I could be a part of the programme and I look forward to give legal assistance to people in India and many other countries to ensure their rights which they are entitled to. With the support of Dr. Lakshmi Lingam, who is currently the deputy director at Tata Institute of Social Sciences, Hyderabad, I have initiated a Student Led Volunteering Services (SLVS) which promotes students to organise themselves in groups and work with Non Governmental organisations in Hyderabad.

In the end I would humbly recommend the following:

1. Community Services should be made compulsory for the students in universities.
2. All the faculty members should extent their expertise for the betterment of the larger communities beyond the scope of their classrooms.
3. The law schools should make it compulsory for the students to become legal companions and adopt the CLOCK model to organise these efforts by providing training to the students.
4. Social Sciences Courses must encourage voluntary services and the students may choose the field that they volunteer for but the services of the students must be rendered for community upliftment.
5. Leading practicing psychiatrists and psychologists should render their services in the family courts for mediations as a social responsibility.

REFERENCES

1. Agarwal, Divyam. (2000). An Introduction to the Legal Services Authorities Act, 1987. Legal Service India.com.
2. Retrieved From
3. <http://www.legalserviceindia.com/articles/legaut.htm>
4. Government OF India and UNDP (2011). Access to Justice for Marginalized People: A study of Law School Based Legal Clinics.
5. Retrieved From
6. http://www.in.undp.org/content/india/en/home/library/democratic_governance/a_study_of_law_schoolbasedlegalservicesclinics.html
7. NALSA
8. Retrieved From
9. <http://nalsa.gov.in/legalservices.html#lokadalat>