

# How Clinical Education Builds Bridges with Villages for a Global Law School in India

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## Introduction

Committed to “impart[ing] rigorous and multi-disciplinary legal education with a view to producing world-class legal professionals, scholars, and public servants,”<sup>1</sup> the Jindal Global Law School (JGLS) was founded in 2009 on 60 acres of farmland approximately 20 miles from the center of the Indian capital, New Delhi. Though near in a physical sense, in many ways the campus feels far from Delhi as it is surrounded by crop-filled fields, cattle, older houses, and a bit farther away, some small shops. If one were to stroll outside campus, it would take a long time to see anything other than this rural way of life, though new construction burgeons.

Further separating the campus from communities nearby and its surrounding land in an aesthetic as well as physical sense are the modern campus buildings, manicured lawns, high fences with barbed wire, and security guards. Of course, those guards often themselves are from the local villages, cut off from the campus by wire, metal and brick. The law school’s population is diverse, drawing students from all over India and the world, staff from Delhi and Sonipat and across India, and faculty from all over the world.

All of this is to say that on- and off-campus are very different places and spaces. Perhaps this is true with most college campuses around the world. Still, and unsurprisingly, this “global” school (and others) risks terrible disconnection from the communities in which it is set—this, despite the goals of global legal education and legal engagement with local populations.

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1. <http://www.jgls.org/content/about-jgls>.

At JGLS, however, interactions between students and their neighbors through the legal clinical work have moved from those of strangers to joint efforts securing government services, programs and assistance to working together with them to bring about social change. This experience, we argue, has helped break down barriers between “served populations” and “clinicians.”

The authors of this essay worked together during 2011–2012 in the International Human Rights and Rural Governance and Citizen Participation Clinic at Jindal, and in the Women & Law Society from 2009–2012. They have both shared and individual experiences from these endeavors, and from their ongoing engagements with local communities. As such, they have written this essay together, and also include several individual vignettes below.

### Clinical Program

In our experience at Jindal, one of the most constructive and cooperative ways to bridge the gap between the institution and its environs is through the legal clinic. The unique rural governance model at JGLS has been described fully in a recent report by the Cornell Human Rights Clinic and the Jindal Rural Governance Clinic.<sup>2</sup> We do not wish to replicate that effort here and we enthusiastically direct readers there for a full description of the model. For purposes of this essay, however, there are aspects of this model worth mentioning. First, the Jindal clinic works in partnership with several Delhi/Haryana-based nongovernmental organizations. These partnerships ensure an introduction into communities, facilitate trust and working relationships through sustained involvement, and often provide a convenient and supportive space for discussion with community members.

Second, the heart of the clinic is the weekly (or daily) community meetings in various villages in Haryana. In these meetings, called *sabhas*, village residents decide which particular issues to address, and then formulate appropriate approaches and actions. Along the way, community members both teach and learn from law students and NGO workers how to secure a range of legal rights and government entitlements. These projects have included obtaining a ration card or pension funds, improving schools, and reporting corruption.

The initial training program for this model, designed by Professor Ajay Pandey, began in 2008 with 30 to 40 village residents in Haryana, many of whom have gone on to become community leaders in this endeavor. In some villages these community meetings are conducted by residents who are well-versed in legal rights in government entitlements; in other villages, the law school, nongovernment organizations and community members jointly conduct the sessions.

Much could be said about the clinic through vignettes, stories and examples of lawyering skills learned and practiced. In the remainder of this essay, we want

2. E. Brundige, P. Gupta, S. Kalantry and A. Pandey, Promoting Clinical Legal Education in India: A Case Study of the Citizen Participation Clinic. Joint Report by the Cornell International Human Rights Clinic and the Jindal Rural Governance and Citizen Participation Clinic (July 2012).

to focus on how this program helps the law school reach out to its surrounding community, particularly to local women. We'll look at three examples that illustrate how both students and participants work together and learn from each other, and, in doing so, help each other. In particular, we will discuss how the interactions between students and community move from securing material government entitlements and working together to bring about social change to internalizing these experiences in ways which break down barriers. We witnessed how these interactions deepened from legalistic transactions to encounters where all involved changed their social attitudes and practices. Of course, this is just one way to see the complex and often personal relationships that develop through this program.

### **Making Government Work**

A recurring theme at these community meetings is the lack of enforcement and access to government entitlements. For that reason, the first few projects typically require students and community members to work together to write to a targeted government agency (not always easy to locate!), and, if those letters remain unanswered, to file Right to Information (RTI) applications seeking the requested government service. These applications are similar to Freedom of Information Act requests that Americans would file with the U.S. government if it fails to respond to a citizen query. Indian citizens may write to the RTI Commission, and the appropriate government official is obligated to answer within 30 days under Section 7(1) of the 2005 RTI Act. That response time is swifter than court proceedings, which are often unreasonably long and delayed. Village residents, NGO workers, and law students have made a range of requests and inquiries through this process about individual, family, and community concerns, including failed services for electricity, water, sanitation, health, education, food and roads.

Meher Dev explains the process:

Our preliminary step of addressing any issue was usually to draft an RTI on the concerned issue in order to understand the state authority's explanation to the status quo and any further steps that they intended to take with regard to the concerned issue. If the response from the authorities was satisfactory then we would follow up as to the course of actions being taken by them. However, if it was unsatisfactory or satisfactory but with no due actions being taken, we would write letters to the District Magistrates, Chief Justices of Courts, and other higher level authorities requesting them to intervene. But to our delight, many of our issues were resolved at the RTI level itself.

In early days of the clinic, Meher worked with Rajpal, a community member, to draft an RTI application for the village:

I still remember the first RTI that we drafted together with Rajpal Bhaiya was regarding an electricity generator lying idle in the village . . . [It] could have been put to use for pumping up water or merely generating electricity. Rajpal Bhaiya, one of our most enthusiastic community members, had already been

involved in the clinical activities and with Navjyoti NGO—our partners in the clinical initiative and thus had learned the techniques of drafting to the point brief RTIs.

While drafting this RTI with Rajpal Bhaiya, I learnt three golden principles that need to be followed in order to get an effective response from the authorities:

1. What is the issue? 2. When did it happen/How does it bother you? 3. What remedy do you seek?

Thereafter, I followed these principles in every RTI that I drafted and together all of us continued passing these to every new member who joined the *sabhas* or who wished to write an RTI. Today, all, including Rajpal Bhaiya and I, feel equipped with this tool and seek to use it to its maximum to solve our day-to-day concerns. Thus, in our clinic, our pioneer tool was the RTI application as opposed to conventional petitions that lawyers file.

This clinic not only did equip us with tools such as the RTI but also instigated us to explore both legal and non-legal layman conducive methods of making our voices reach the State. While we introduced legal perspectives on issues before the community members, they helped us appreciate better their sociological and cultural views on the same which were insightful especially in our attempts to bring about attitudinal changes in society more generally.

These RTI applications generally result in relatively quick and efficient delivery of government services and assistance. This process and the satisfaction it brings provides much needed material benefits and services, but also working together builds trust and cooperation between students and village residents. To bring about more significant social changes, however, poses greater challenges for all.

### Social Change

In various conversations with law students, many female community members noted that after some of the school meal programs and government sponsored day care centers had been improved because of their work, social interactions between male and female members of the community had shifted. They said that at first, fellow citizens had criticized and discouraged them for attending the *sabhas*. But, once their efforts had yielded results, the ones who stayed with the program are now leading their communities.

As Kudrat Dev observed, they are now:

respected by the same fellow villagers for improving village conditions from electricity supply to implementation of educational schemes in public schools. One outcome of this is that the size of the community meetings expanded and alongside female participation increased as community members inspired each other to contribute to the goal of better governance as demanded by the collective will.

The new respect the women earned battling for better government service helped improve gender relations, and the acknowledgement and validation they received proved significant for those involved. This progress, in turn, provided an opening for discussions of highly sensitive social issues, including domestic violence, women's health, sex-selective abortion and other issues.

Law students played a role in pressing for social change as well. In 2012, for example, several students in the clinic, who also were leaders of the campus Women & Law Society, hoped to get village residents to engage in a discussion of women's rights, linked to International Women's Day. The students wanted to raise an array of issues so residents could consider how they affect women and their legal rights. Since the village residents determine what gets taken up at their meetings, the students had hope that any discussion of the issue would, in itself, represent progress.

Kudrat and the other students felt "trepidation at entering the male dominated room." However, they were pleasantly surprised to find that more than half of those who gathered were women. "[T]hat was the first ray of hope that the Indian 'built-in-bias' against a woman can gradually be uprooted."

She goes on to describe the experience:

I proposed a discussion on: women's legal rights with a view to generate awareness and gradually enable discussion on recovering promises as well as access to the law for women, in particular. [A] [m]ajority of the community members including men and women both were not very welcoming as we began to discuss public rights such as equality, dignified life free from sexual insensitivity and eve-teasing [sexual harassment]. Their reactions and face expressions reflected that the idea of "law for women" was alien to them, as they hadn't felt its existence. The closest to law the women had encountered was the police [who are] associated with harassment and corruption rather than protection. The discussion became hotter and those who seemed disinterested earlier began to talk when we introduced private domain rights, such as equal share in inheritance, [and a] right to maintenance and child custody. A woman in the gathering voiced the opinion of many that all the legal rights for women were great but the . . . reality was the opposite. A male community member defined the secret to the happiness of a woman as *pativrata*—the one who worships her husband and further traced the source of respect for a woman to her role as a mother.

Was the controversial goal of "a non-[patriarchal] Indian society" with the right to human dignity and respect for all received well? . . . Was there a consensus on any women related issue? As per my observation, the answer would be in the negative. There are several reasons for the same but I identify the major ones as: disbelief and unfamiliarity with the law, non-existence of a space where women's issue[s] was ever a concern and perception of women's rights as a threat to the Indian masculinity. Though the idea of "law for women" was new to the community members, at least the discussion on [w]omen's legal rights was a start. The restlessness and chaos during the discussion was definitely a positive sign in creating a space for dissidence with the institutionaliz[ed] insensitivity and bias against women. Moreover, I

realized the dire need of breaking the notion of a stereotypical Indian woman as a pre-requisite to effective social lawyering and participation of both the sexes for this goal to be realized by the collective will.

This first talk built a foundation for another discussion around sex-selective abortion and violence against women. Village residents this time aired many issues regarding violence against women, the availability of alcohol, and security for themselves and their daughters. They also wrote a community letter addressed to female politicians, and copied to their male counterparts, demanding security for women in their villages in Haryana. This letter was distributed, though at the time of this writing, no response has been received.

### **Internalizing the Experiences**

Professors and students alike have been transformed by their clinic experiences, especially the privilege of working with village residents and their communities. We felt these changes on campus, too, as our staff, especially our security guards and housekeepers, saw us working in their home communities.

The female guards and housekeeping staff began to approach us to share concerns and discuss legal and social issues they faced, such as securing their rights in family property and resisting unequal treatment of their daughters who were pressured by family to stop attending school. We would informally discuss the relevant law specific to their concern with them and try to lay out a few options. In fact, when we distributed and explained pamphlets on women's legal rights on campus, they asked for more copies of the pamphlet to take back to their village for their friends and neighbors. Today we share more than a cordial relationship specifically with some female guards who feel comfortable enough to approach us requesting us to either teach them or answer a legal query.

One of us, Kirti, had participated in the clinic for two years. She has tried to bring to her home village some of the meeting-style innovations.

Kirti writes,

Rajaund is a small village of Kaithal District in the center of Haryana. Hard work, simplicity and plain thinking is the charm of life there. The dusty road runs by the village, the road is however uneven and full of ruts and becomes almost impassable during the rainy season. The lanes were littered with the refuse and rubbish of houses and have also puddles of dirty water, which breed flights of lusty mosquitoes. The life there portrays a state of deprivation, dependence and substandard infrastructure.

While working with the clinic at my law school I realized that as a law student I have a huge responsibility to bring a change in the society. I felt there is no point studying law if I can't help a poor man to get his entitlements which are promised by law. After working with the clinic . . . I realized the power of citizen participation and how it can bring good governance in the society. Therefore, I decided to implement the same model in my home village.

But this process has been frustrating. She confronts patriarchy on multiple levels and has found the “mindset of people” is that “women aren’t capable enough to do such work” or are not “mature enough to understand the working of Government system.”

In India, [the] patriarchal mindset manifests in the villages where women are not only treated as subordinate to men but are also subject to discriminations, oppressions, control and violence. Women experience discrimination and unequal treatment in terms of basic right of health care, education, employment, not because of their biological differences or sex, which is natural but because of their gender differences, which is a social construct. It’s not just the people of the villages [who] have such attitude[s] but it is the protectionist approach that is deeply rooted in our law. For example, there is a constant tendency to link women with children and children’s issues, [to wit], there is a single government department dedicated to “women and child.” This has the propensity to infantilize women, treat women’s issues as social issues rather than as deeply political issues and to once more reinforce a protectionist approach. . . . Again, what is lost in this approach is women’s status as full citizens and subjects of law. Such an approach tends to treat women as vulnerable, incapable of protecting themselves, and in need to the protection of the state and men.

In my village, people consider that women should be inside the house and they shouldn’t involve in the work where there is more involvement of men. They restrict women’s mobility and burden them with the responsibilities to nurture and rear children.

When I started holding meetings with the people in the village, women were very enthusiastic to work for their village and also to show others that they aren’t less than others. But due to internal pressure of families and husbands, I wasn’t able to convince many of them to work with me. During the meetings, there were six to seven male members who were very enthusiastic to bring change in their village but on other hand, they were also criticizing me at each and every aspect.

Whenever we planned to meet any official they always told me to stay back, because, according to them, I am not mature enough to talk to the officials and [the] other reason was that the behavior of officials towards females isn’t very respectable because women don’t understand things quickly. But that’s not really the case; I realized they don’t want women to be ahead to them in any way.

Most of the people in my village . . . relied on unfair means to get their entitlements, for example giving money to the officials for the ration card . . . which is free of cost [or] bribing officials to get electricity on cheaper rates, etc. So according to them, they are very efficient in doing such things [more so] than women. Therefore, women can be easily fooled by the officials. Hence, the whole system of government is a game of corruption and women really don’t know how to approach, whom to approach and they are more vulnerable to get exploited by the officials.

She is often dismissed as a girl but continues to pursue this work.

[Yet], according to the people of the village, the kind of work I wanted to start in the village is supposed to be done by the officials. It should be the responsibility of the officer in charge to provide things to the people [that] belong to them and also promised by the [l]aw. If it cannot be done by the officials, then they can bribe politicians [to] get their work done. . . . [T]hey feel this way because they don't understand the power and role of citizen participation and what change it can bring in their lives.

This culminates in a “lack of trust,” as she describes it, and “women are seen as having no right to participate in governance because of the cultural practices.”

I got to know from some people in the village that earlier there was a woman who was the *Sarpanch* (an elected head of a . . . statutory institution of local self-government called the *Panchayat* or village government in India) of the village. I decided to talk to that woman to know about her experience as a female *Sarpanch* in the village. I was very surprised to know when she told me that [she] was *Sarpanch* only by name but all the decisions were taken by the male members of her family. She didn't have any authority to take any decision for the village. Whatever she was told by her husband and sons would be the final decision. She told me, “Listen, I am a woman who doesn't know about the functioning of system and I also feel my husband and son can understand things better than me.” She also told me when people came to meet her she wasn't supposed to talk to them directly because in the village women don't talk to men so amenably. So, all the responsibilities and decisions were controlled by her husband.

Despite these shortcomings and frustrations, change is occurring. Through these interactions, women are building bridges with each other and to other like-minded and helpful individuals—and not just through the official local leadership (called *panchayats*). Moreover, it is heartening to see the dynamics of age work in a constructive way. Community members often did not seem as self-conscious with young female students. These partnerships get a lot of work done and the relationships themselves are strengthened through this process. Perhaps, then, the relationships the law school has with residents in Sonipat and Haryana will evolve with greater familiarity and understanding, personally and institutionally.

### **Clinic as Collaborative Learning**

Meher concludes of the program's benefits, that “this whole clinical experience [is] a two-sided learning process, where on one hand, law students understand more about these societies and the legal norms which are local to the community members, and on the other hand, community members understand legal schemes and how to secure their legal rights from the law students.”



By working together, students learn about communities in their area, state, country. Their understanding expands socially and culturally, as they explore their environs through the law and through partnerships in social change. These experiences can provide a foundation so they may better appreciate the ideals of global legal education—an understanding of local implementation of the laws that flow from international law to domestic law and back (for example, the right to food and the right to education). They also develop a greater appreciation of how citizens engage with and live with the law and its promises.