

SAILS & CSJ

**Training of Trainers for Ca-
pacity Building of Paralegals**

5th-9th January 2016

Negombo, Sri Lanka

Report

Submitted by

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Introduction

The South Asian Institute of Advanced Legal and Human Rights Studies [SAILS], in association with BRAC University and IDEAL Centre for Social Justice [CSJ] organised a Training of Trainers for Capacity Building of Paralegals from 5th January-9th January 2016 at Rani Beach Resort, Negombo, Sri Lanka. The workshop was organised in furtherance of the overall vision of SAILS, BRACU and CSJ to build a cadre of legal professionals across South Asia who will further and promote paralegalism as a body of thought and practice by training trainers and paralegals for the legal empowerment of the poor and ensuring access to justice for the overall development of the South Asian region.

The training of trainers workshop was attended by 22 participants from six SAARC countries including Bangladesh, Pakistan, Sri Lanka, Bhutan, Nepal and India. Over five days of the workshop, the master trainers were trained in designing training sessions for paralegals by incorporating principles of adult learning and alternative legal education. The training workshop was holistically designed keeping in mind the fundamental attributes for any master trainer namely perspective, information, and skills embedded in an identity building process.

This report captures the proceedings during the five days of the workshop with some of the main activities, key methodologies and their rationale, insights from the group of participants and inputs from the trainers. It is hoped that this report serves as a basis for designing an overall framework/curriculum for capacity building in access to justice, and building a discourse around paralegalism in South Asia.

Training Design Map

Day 1	Day 2	Day 3	Day 4	Day 5	V A L E D I C T O R Y
Registration (09:00-09:30)	Morning Session (07:00-07:45)	Morning Session (07:00-07:45)	Morning Session (07:00-07:45)	Morning Session (07:00-07:45)	
Inaugural (09:30-10:30)	“Zero Hour” (9:30-10:00)	“Zero Hour” (9:30-10:00)	“Zero Hour” (9:30-10:00)	“Zero Hour” (10:00-13:00)	
“Synthesising Life Scripts” (10:30-11:00)	“Learning Style Inventory” (10:00-10:30)	“Session Design and Group Processes (10:00-11:00)	Gender as a Social Construct (10:45-12:15)	“Presentation of Designs” (10:30-11:30)	
“Difference Between Paralegal and Lawyer” (11:00-1:00)	“Competency Mapping” (10:30-11:00)	Tea (11:00-11:30)	Tea (12:15-12:45)	“Simulation of ALE Methods” (11:30-2:30)	
Lunch (1:00-2:00)	Tea (11:00-11:30)	“Alternate Legal Education” (11:30-1:30)	“Alternate Legal Education: Examples of Different Methodologies” (12:45-3:00)	Concluding Session (2:30-4:00)	
“From a Word to a World: Matchstick Exercise” (2:00-4:00)	“Building a Common Understanding of the Anatomy of a Paralegal” (11:30-12:30)	Trip to the City (2:00-8:00)	“Definition of a Paralegal” (3:00-3:30)		
Night Session (8:00-9:00)	“Alternate Legal Education” (12:30-5:00)	Night Session (8:30-9:30)	“Challenges in Organizing a Training Programme” (3:30- 4:30)		
	Night Session (8:00-9:00)		“Designing a Session” (4:30 onwards)		
			“Work for the Night”		

*Day 2 to Day 5 had zero hour sessions from 09:30 for feedback and previous day’s review.

Day I
5th January, 2016

Inaugural Session

• Introduction

I. “Introduction to the Training Programme”, Mr. Gagan Sethi, Vice-Chairman, CSJ

Mr. Sethi began the event by welcoming all the participants to the training programme on behalf of Centre for Social Justice. He highlighted the objectives of the training programme as the following:

- To provide a sharing platform for consolidating learnings from experiences of training paralegals
- To enhance skills in paralegal training
- To develop a common understanding on principles of alternate legal education
- To develop designs, tools and methodologies for paralegal training
- Building a collective roadmap for legitimizing paralegals in South Asia

Mr. Sethi also underscored the importance of all the participants to get to know each other in a formal process. He said that it was important that all the participants were on the same plane from the beginning in order to inaugurate the training group. In order to introduce themselves, he requested all the participants to answer the following questions on differently coloured cards:

- My name and organization
- What do I bring to this group
- When it comes to access to justice in my country, one PROUD and one SAD fact
- What must happen here
- What must not happen here

The following is a summary of the responses of the participants to some of the questions:

What do I bring to this Group	When it comes to A2J: One Proud	When it comes to A2J: One Sorry	What must happen here	What must not happen here
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- Sharing learnings and new experiences
- Training for human rights experiences
- Sharing activities
- Sharing field experiences
- Experiences in designing a course or manual for paralegals
- New Ideas and concepts
- Laughter
- Skills of a teacher-knowing what students are capable of and can contribute
- Non-legal perspectives
- Lawyers
- Constitution
- Structure of systems
- Civil Society Organizations
- Separate Judiciary
- Victims of 1971 War in Bangladesh
- Mediation system reaching rural areas
- More legal aid clinics
- Open space for dialogue
- Help people get justice
- Working on access to justice
- Politicization of the judiciary
- Degradation of constitutional systems
- People have no access to justice
- Extra Judicial Killings
- Legal Aid
- Leaders interfere in law making process
- Archaic procedures
- Deprivation and exclusion of hill plantations
- Not enough protection for victims
- New methods
- Utilise time well
- Share knowledge of paralegals
- Discuss participatory methods
- Share experiences and learn
- Perspective on alternative Dispute Resolution
- What's wrong with our systems
- Discuss practical ways of addressing access to justice issues
- Learning and respect
- Speeches
- Sitting Idle
- Wasting time
- Disrespect
- Pointing Faults

Thereafter Mr. Sethi drawing from the responses of the participants shared some insights on the issue of grassroots narratives, the role of nation building and paralegalism in designing access to justice interventions in the respective countries:

- *Personal Narratives and Experiences:* Build your own understanding of how to do paralegal trainings, but do it in a way that will get enough data from the participants in the process about their experiences. *Therefore, it is important to capture personal narratives and experiences in order to understand ground realities so one can design effective paralegal trainings.*
- *Nation Building:* We, as nations, are a work in progress, and are relatively young in age. The history of a nation has to be understood differently from the history of individuals. One year in the history of the nation is equivalent to ten years of an individual's life, and therefore one needs to understand nation building as a long process. From whichever standpoint we look, we are young democracies, constantly in the process of learning. Sometimes, we're asked in India, are we fit for democracy? The answer is simple. There is no other way to be fit but through democracy. No other way but to slog. *The tension between what we are proud about and sorry for, is what produces energy to do things and bring about any kind of change.*
- *Paralegalism:* One has to build an understanding of paralegalism and the need for a legitimised space for paralegals. Judicial systems don't allow anyone else to enter the institution since it is dominated only by lawyers. If one had to compare the same with the health system, one sees that till the time it was controlled by doctors, it was never a public health system. Only when it was opened up to a large number of actors including village workers, could it be called a truly *public* health system. Therefore, one cannot see paralegalism just as a thought by itself. *In order to open up the institution of the judicial sys-*

tem it is important to not just train paralegals but also developing a new thought on how access to justice needs to be designed.

II. Learning Norms

Mr. Sethi then shared the basic learning norms that would govern the training sessions. Participants were also briefed on the reporting groups for the following days and the quality standards for reporting the previous day's sessions.

Session I

• “Synthesizing Life Scripts”

I. Methodology

Participants were given three cards of different colours, and asked to answer the following questions one each card. After answering the questions, they were divided into *mixed* country groups of four to synthesize the results and share the same in the plenary by visualising them on chart papers. The questions given to the participants were:

If I were to live my again, the one thing...

- That has happened should happen again
- That I would want to do differently
- That I would never want to repeat

II. Conceptual Underpinnings

The objective of the exercise was to facilitate participants to get in touch with their historicities. As trainers it is important to be in tune with one's experiences and history, and to relate the same with their work. Underlying this is the idea that training begins with “who you are”, and who you are is mostly the story of your life which is found in one's own life scripts or historicity. The questions asked herein thus link these aspects of one's past with more systemic issues especially in context of designing interventions such as training programmes or paralegal initiatives. This exercise was also a continuation of the participants' introductions to facilitate further opening up of their personal narratives.

III. Insights from the Group

If I Were to live my life again, what is the one thing that			
Groups	Has happened and should happen again	I would want to do differently	I would never want to repeat
1	Shared values and commitment to work for the poor	Empower the community you are working for	Do things to others which made them suffer

2	Go back to childhood	Change the education system to contribute to country's development. Serve human rights at the grassroots.	Not to discriminate against anybody. Not to get married because they have lost their freedom. Don't do any party politics. Non-involvement of ineffective education system.
3	Celebrate and revive our achievements	Focus on education. Relate ground realities to our education. Better service delivery.	Have missed our opportunities, were slaves to others directions. Don't want to make unnecessary sacrifices. Explore the world.
4	Be a child again, whole life to be repeated again, meet eminent people, go back to university life.	Higher studies, nature of jobs to be more adventurous, help people differently, be in the legal profession, work in the field and do things differently.	Not to be born as a woman in a patriarchal society, no donation or grants, no breaking hearts, no more displacement, adopt an identity which is non-compromisable.

IV. Inputs from the Trainers

While throwing light on the reflections of the participants, the trainers made the following inputs on the importance of relating our past with the present, and future interventions:

- Experiences in the past make one stronger to do things in the present. One can't have a perfect system, nor a perfect life. Yet we draw from the experiences of our past to look forward to the future. Similarly, systems work in the same way. *One draws from the past of the systems to continually better the same in the present and the future.*
- Is their power in helplessness? If I live in helplessness, then there is no power to change. Core function of trainers is to facilitate change, and in order to ensure that they must connect with their historicity. *The desire to change will come only if one looks within the self, and not outside.*
- What is the critical difference between animals and humans? It is the ability to be present in the past, present and future at the same time. The process of history making comes from aspiration, or the right to dream which is essential to bring about any kind of change. Human species are dissatisfied all the time. Yet there are always expectations from the future and a hope. *Thus one can't begin a training program without energising the right to dream, right to hope and right to change.*
- Most important is to address the fear of failure. First victimhood is experienced in childhood. This experience leaves a deep trace in our psyches and shapes us in many ways to determine who we are. *It is crucial, therefore, to first connect with one's history. To ask oneself: Where am I coming from? What is my aspiration? What is holding me back?*
- The difference of history making and being a part of one's history is the difference between freedom and bondage. Those who are free have the power and space to create,

and write their own histories. History is normally written from the perspective of the historian and his/her world-view. For example, if lions were historians then they would write tales of hunting which would glorify lions. *Therefore, the writing of historicity, and identity needs to be built into the design of training programmes.*

Session II

- “Difference between a Paralegal and a Lawyer”

I. Methodology

Participants were divided into smaller groups of five and were asked to discuss the following questions in their groups. Based on the discussion they were asked to come up with a definition of a paralegal and present the same with its rationale to the plenary group:

- Which are the 10 areas of law which mediate my journey from home to work
- How is a paralegal different from a lawyer and why is a paralegal equally if not more important to communities than a lawyer?
- Therefore, how do you then define a paralegal?

II. Conceptual Underpinnings

- *Identity of a Paralegal* The session aimed at reinforcing paralegalism as a body of thought and practice by enabling participants to develop a shared understanding of the legal issues across the countries which still remain unresolved in the access to justice framework and need an alternative remedy. The idea was to embed the understanding of a paralegal as an identity (and not merely a set of attributes) rooted in a specific historicity which needs to be built in order to address specific access to justice issues of the respective countries.
- *Breaking down the “Lawyer”* Further, within the South Asian context, the exercise also aimed at using the Freirean frame of looking at a “word” - as encapsulating a ‘world’. Using this framework in the context of the concept of “lawyer” and what it symbolised, the exercise aimed at questioning the singularity of the lawyer, as the most important actor in the formal legal system, in order to make a case for the paralegal as an equal stakeholder.
- *Metaphors and Deductive Method* The method of questioning was deductive, since the role of the paralegals emerged from the individual context of each country in terms of access to justice, and the perceived importance of lawyers.

III. Insights from the Group

The participants in their respective groups came up with the following definitions of “paralegals” after taking into account the various laws relevant to their contexts, and the perceived differences between the roles of the lawyers and the paralegals:

Group	Definition of Paralegal
Group 1	<i>A paralegal is a trained and experienced person without formal legal education but plays an important role in the administration of justice by assisting lawyers/attorneys/advocates.</i>
Group 2	<i>A paralegal is a person who connects the citizen/community to the State institutions for the facilitation provided to them by the law and he/she is not an advocate.</i>
Group 3	<i>A paralegal is a person who can act as a bridge between the legal/administrative system (in a country) and the general public; and who need not have a formal legal education.</i>
Group 4	<i>A paralegal is a person who comes from a particular society or community, is well reputed, having good character, literate and having some practical knowledge in the legal system specially in dispute resolution, who is a community recognized person to resolve problems in an amicable manner, but cannot give punishment or sentences.</i>
Group 5	<i>A paralegal is a person who is a volunteer but not a lawyer, who has knowledge and training of the work he is doing, serving in his respective community, anchored with an institution and helping his respective community by establishing and strengthening support mechanisms.</i>

IV. Insights from the Trainers

The trainers began their inputs with the question of why was it necessary to explore the differences between paralegals and lawyers at this stage of the training session? Using the cultural metaphor of pre-ambulation, especially in the context of Indian society, the trainers mentioned the approach of setting the stage before one gets into the subject matter at hand. In this respect the trainers made the following points regarding the difference between lawyers and paralegals:

- Lawyers have a hegemony over the judicial system and can determine mostly the roles of all the other actors in the system. In the current judicial system paralegals are always seen viz. a lawyer. A paralegal doesn't have its own identity.
- Identity of paralegal has to be understood in terms of boundaries i.e. where the role of paralegals is exclusive and where lawyers can be barred from performing those roles or not. Essential to the building of identities are delineating boundaries around that identity. If boundaries are blurred, one cannot create an identity. How then do you construct these boundaries?
- Paralegals have a larger jurisdiction and scope than lawyers since they function mostly outside of the courts, and are concerned with the law in much wider social space extending beyond the courtroom. Paralegals meet gaps in the entire institutional chain of access to justice.
- Is there a “need” for paralegals out there? This must be resolved in our minds as trainers keeping in mind the larger mission/purpose in mind which is access to justice.
- In conceptualizing a paralegal's identity, the following aspects must be considered as constituting the identity of a paralegal:
 - o values as a paralegal working for social justice

- o tasks in which they will be trained.
 - o skills required to perform those tasks
 - o role at the institutional stage
- Having an identity which is recognized by the other is essential for a sense of personal dignity and fulfilment. In the case of paralegals, it is the community which legitimizes the paralegal’s identity. Hence, every training is a training in building one’s own identity. That’s why there is training in building an identity.

Session III

• From a Word to a World: “The Match Stick Exercise”

I. Methodology

In the first round the trainer made a model of a house out of six whole match sticks and asked all the participants to replicate the same individually within 5 minutes. Thereafter the trainer asked the participants to approach him with their models for an evaluation based on no pre-determined criteria. The trainer evaluated each piece and marked them on a random basis. Subsequently, in the second round the trainer asked the participants to use six match sticks and make any design from their imagination. Thereafter, he processed the difference between the two experiences in terms of what they felt about his attitude and both the exercises.



II. Conceptual Underpinnings

The simulation was one based on the idea of experiential learning to explain the difference between teaching and training. The idea of the activity was to demonstrate the use of a simulation to create multiple experiences and use experience differentiation: experience two different experiences to choose what works and doesn’t work- as a methodology in explaining the difference between teaching and training. In the second exercise, the intention was to highlight that the creativity of an individual is deeply embedded in their historicity and what they created was actually reflective of this historicity.

III. Insights from the Group

Most of the participants said they felt offended, hurt, unsure and discriminated against in the way the trainer evaluated their first round. In the second round they felt like they had been given more freedom to think from their imagination and felt it was a more effective way of training.

IV. Insights from the Trainers

The trainers explained the logic behind conducting the matchstick exercise in the context of the difference between training and teaching. The first round reflected how a teacher would evaluate the student without any pre-determined criteria, and in fact stem the creativity of the student by giving specific instructions. The second round was to highlight the themes of creativity and one's own historicity which was reflected in the design that the participants made on their own with the matchsticks. In the second round, the trainees continued to follow the instructions from the first round of using only six matchsticks, however there free to use the matchsticks in any manner possible.

The trainers then elaborated on the theme of the session: "From a word to a world". They said that each word reflects a certain historicity and hence, my word will mean nothing to you if it does not have your story in it. Your own words, reflect your historicity and your story. They explained this idea in terms of a "generative theme" as the philosophy behind Paulo Freire's *Pedagogy of the Oppressed* which explores a method of education which is liberating and looks at how a word opens up into an entire world. The trainers brought to fore the idea that education must be *dialogic* in this sense, or in other words it must ensure a dialogue between the teacher/trainer and the student/trainee so as to enable an understanding into the world of the trainee or student. If education is anti-dialogic then it leads to a banking system of education where the teacher is just depositing information into the student.

The trainers summed up the discussion by making the following points:

- Evaluation/Rating induces a fear in the minds of the learners.
- Punishment has stunted free thought and does not allow the imagination to thrive.
- Paralegals have to be taught, trained and facilitated: each of the three are separate and distinct concepts.
- However, the crucial point is when to teach, when to train and when to facilitate?
- Fusion of the three makes the ideal training design.

Night Session

Participants were divided into different groups and each group was given a reading to discuss. One member of each group then presented the essence of the reading in their own words to the entire plenary. Participants were also given a learning style inventory to fill for the next day's sessions.

Day II
6th January, 2016

Morning Session

• Body Work

Body work is a set of practical exercises to explore the relationship between one's body and mind by focusing on self awareness of one's own body through meditation, exercise and reflection. The morning session consisted of body work through different techniques. The objective behind introducing body work as part of a training program emerges from the question whether learning must always be a stressful experience? In fact, enhanced learning is enabled only with a relaxed body and mind. And for the same increased body awareness is essential for the role of a trainer, especially since the trainer must use her body and its parts extensively to be an effective trainer. The techniques used during body work included *shavasana* and touching one's own body to be aware of its different parts.

*Shavasana or the "corpse pose" is a yoga breathing and meditation exercise.

Zero Hour

• Reporting Group 1

I. Methodology

Participants were divided into divided into four groups, and each group was given the responsibility of reporting on the previous day's sessions based on what the proceedings and learning sheets provided to participants at the end of each day. The groups were expected to capture the following elements and make a power-point presentation of twenty minutes in the first hour:

- How you worked as a group
- Analysis of the learning sheets
- Day's proceedings in terms of:
 - o What was done?
 - o Why was it done?
 - o How was it done?
 - o Learning & Insights

Additionally, the plenary group was asked to provide feedback on the presentations based on the following parameters:

- Additions in content/reflections/insights to the presentation
- Feedback to presenters:
 - o How did I receive this?
 - o What was done well?
 - o What could be done differently?

II. Conceptual Underpinnings

- The reporting group is a method of developing the group’s ability to critique training sessions, setting quality benchmarks in reporting, and assessing how much the group has internalised from the previous day’s sessions. It is also an opportunity to reflect on the methodologies and design principles used in the session. It also gives opportunity to the participants right from the beginning to take the stage in the role of a trainer, conduct a session and practice the methodologies that they learnt the previous day.
- The reporting group is also meant to ensure that the group is collectively preparing a knowledge document by capturing the sessions. Groups are formed by breaking country identities and mixing people together to ensure a more assimilated and inclusive working group; and introducing each individual’s own learning and training styles through the presentations.

Session I

- “Learning Style Inventory”

I. Methodology

Input session by trainer on different learning styles based on the handout given to participants the previous day. Participants had to fill their inventories to identify their key learning styles.

II. Conceptual Underpinnings

The session flows from the previous session in order to contextualise the different ways in which people learn by the use of a self-learning tool which enhances the group’s understanding of human species as programmed to learn differently in multiple ways. Therefore, a single methodology in a training programme will be exclusive and counter-productive to the objective of enabling learning. The method seeks to establish that a training space has to be inclusive, and diverse by taking into account the different learnings styles of the trainees, and hence any design of a training session must account for different learnings styles.

III. Insights from Trainers

The trainers spoke about four main learning styles which include:

- Abstract Conceptualization (Thinking)
- Reflective Observation (Watching)
- Active Experimentation (Doing)
- Concrete Experience (Feeling)



diagram courtesy esy
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Session II

- “Competency Mapping”

I. Methodology

The trainers conducted an input session on competency mapping by sharing a power point presentation on the same.

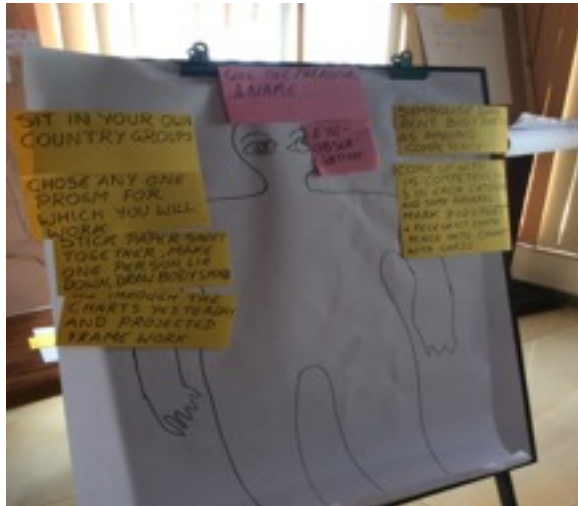
II. Conceptual Underpinnings

The objective of the input session is to familiarise the participants with the different competencies required to train a paralegal in order to define a paralegal’s identity and design a training intervention around the same.

Session III

- “Building a Common Understanding of the Anatomy of a Paralegal”

I. Methodology



Participants were divided into their country groups. Each group was asked to choose a program they would design for paralegals. They were then asked to draw the silhouette of a participant on a brown chart paper and divide it into three sections: upto neck, from neck to torso and below torso. After doing so they were asked to go through the charts of the previous day with regard to the definition of the paralegal in context of the framework of values-tasks-skills-role. Thereafter the participants were asked to symbolise different body parts as per the required competencies, and come up with fifteen competencies (three in each category and some general) and mark the same on the silhouette with cards.

II. Conceptual Underpinnings

- **Use of Metaphors** Through the use of metaphors (symbolism, visualisation and imagination) the participants are encouraged to synthesise common traits of all the groups and build the profile of a paralegal, thereby constructing the identity of the paralegal. *Using metaphors supports a holistic construction of the paralegal, more specifically the heart and brain reflecting values and knowledge and their interplay.*
- **Use of Body** Participants use the human body as a site for locating the paralegal. The use of the human body as a canvas brings in a greater sense of intimacy in the group. Playfulness during the exercise adds to the sense of camaraderie and intimacy which brings the group together and the process ensures a stronger internalisation of the learnings and insights. Further, instead of speaking conceptually, this exercise is more realistic identifying with something as real and close as our bodies. This helps participants to construct roles and the identity of a paralegal as not somebody just out there, but constructing it from within the body.
- **Competencies** Participants were asked to relate competencies with the framework for constructing a paralegal's identity in the context of their own personal experiences with the legal system in their respective countries.



III. Insights from the Trainers

- The trainers shared the importance of using the metaphor as a powerful instrument of imagery. *The power of a metaphor lay in the fact that it brings the heart and mind together holistically, which is essential for any training programme.*
- Any training programme must always touch upon different subjects, contexts and values specifically when the training is set in a cross-cultural context. *Subjects, contexts and values are also central to developing the competencies of paralegals.*
- Competencies are of four kinds: *core competencies, technical competencies, people competencies and administrative competencies.* Each of these competencies relates to different skills, tasks and roles of paralegals.
- *While designing a paralegal programme it is crucial to match the competencies of paralegals with institutional needs.* In this regard it is possible that one may have to consider different kinds of paralegals depending on the competencies and needs.

Session IV

• “Alternate Legal Education”

❖ Introduction

I. Methodology

- The trainer provided a short input on how to explain law using principles of adult learning and alternative legal education (ALE) and followed it with small assignments/activities based on each input.
- *Integrated Learning Experience in Application of Law* The methodology builds an understanding of alternative legal education by breaking the traditional design of law teaching, by building an understanding of law through its application. It also builds a triple level design session by integrating perspectives, skills and information in a single learning experience. The session combined input sessions (on information and perspective) with experiential learning through different assignments, and activities. By combining perspective, information and skills, this method ensures that the participants are not getting a theoretical training on the law, but a more practice oriented training which can help them in their specific roles as trainers.
- *Double Loop* The idea of the session is also a double loop learning, where the participants are not only involved in the activities but are also being trained on how to design the same.

II. Conceptual Underpinnings

The idea behind the input session was to give the participants an introduction to what “alternate legal education” is and how the same can be practiced within a training program. The

input session was a precursor to a series of practical exercises which demonstrated the application of alternate legal education within a training session.

❖ Jhalki

I. Methodology

The participants were divided into groups and each group was given one of the following themes: prisoners, gender discrimination, labour and child labour. The groups were then asked to prepare a “photographic still” (also known as *jhalki*) of a scene which best described the thematic as it was experienced in their own experiences.

II. Conceptual Underpinnings

The purpose of the exercise was to encourage participants to think of lived experiences and communicate the same in an effective, creative, and simple manner which would serve as a starting point for animating further discussions.

III. Insights of Trainers

The trainers while describing the exercise said that the method is always as good as the trainer. A “still” is a prop only to start a conversation with a group. How much is said and unsaid is the trick in the code and therein lies the potential of the still. Simple scenes are often the most powerful. Too many scenes, use of logic, method loses its intensity. The purpose of the still is to use methodologies to animate the just/unjust legal/illegal since when training paralegals, one always starts with the injustice as faced by them in their lived experiences. Vulnerability thus is a powerful starting point for initiating dialogue and learning from experiences.

❖ Cave Diggers Exercise

I. Methodology

Participants were given details of a factual situation based on a true incident. The case involves the commission of a crime with two different laws which can be made applicable but with no clarity on which set should be made applicable. The participants were then divided into three groups: prosecution, defence and the jury. Each group was given 15 minutes to prepare their arguments. The prosecution and the defence then presented their arguments based on general principles that they deemed applicable. Subsequently the jury was asked to give its verdict along with the reasons for the same. The principles discussed in the exercise were then used by the trainers in an input session to introduce the concept of human rights as first established under the Universal Declaration of Human Rights which also served as the thematic for the next exercise.

II. Conceptual Underpinnings

The idea behind the exercise was to use a case study as a tool to make the participants develop legal and principle based arguments, and to introduce the human rights perspective and its application in the NGO sector.

Participants were divided into different groups and each group was given a reading. One member of each group after discussion within the respective group presented the essence of the reading in his/her own words to the entire plenary. Participants were also given a learning style inventory to fill for the next day's sessions.

Day III
7th January, 2016

Morning Session

- **Body Work**

The morning session consisted of body work through different techniques. The techniques used during body work become aware of each part of the body, especially those which were generally out of one's awareness.

Zero Hour

• Reporting Group 2

I. Methodology

The reporting group was asked to report on the previous day's sessions by capturing the following elements and making a power-point presentation of twenty minutes:

- How you worked as a group
- Analysis of the learning sheets
- Day's proceedings in terms of:
 - o What was done?
 - o Why was it done?
 - o How was it done?
 - o Learning & Insights

Additionally, the plenary group was asked to provide feedback on the presentations based on the following parameters:

- Additions in content/reflections/insights to the presentation
- Feedback to presenters:
 - o How did I receive this?
 - o What was done well?
 - o What could be done differently?

II. Conceptual Underpinnings

- The reporting group is a method of developing the group's ability to critique training sessions, setting quality benchmarks in reporting and assessing how much the group has internalised from the previous day's sessions. It is also an opportunity to reflect on the methodologies used, and the design principles which are inherent in the session. It also gives an opportunity to the participants right from the beginning to take the stage in the role of a trainer, conduct a session and practice methodologies that they learnt the previous day.
- The reporting group also ensured that the group was collectively preparing a knowledge document by capturing the sessions; breaking country identities and mixing people together to ensure a more assimilated and inclusive working group; and introducing each individual's own learning and training styles through the presentations.

Session I

• "Session Design and Group Processes"

I. Methodology

The trainers provided an input session explaining the design of the sessions on the previous days. They did the same in the context of the different stages of group processes that the group was going through.

II. Conceptual Underpinnings

The idea behind the session was to give the participants a sense of how the sessions had been designed keeping in mind the different stages that the group was going through. Through this the trainers envisioned a double loop learning whereby the participants not only understood the design principles of the sessions, but also how the same related to group processes and the different stages in the life of a group.

III. Insights of the Trainers

- The trainers shared their insights by foregrounding the need to understand how and why each session was planned, and when it was conducted in the sequence of the entire scheme of the training program. Each session was logically and intuitively designed in particular sequence such that there was a running inter-connectedness through each session, often multiple objective being served with each of the sessions.
- Each group goes through four stages: norming, forming, storming and performing followed by the death of the group. The trainers shared that during the phase of norming and forming learning is minimal. Hence, some things can't be done on the first day. Accounting for this becomes a design issue.
- The moment a group has stormed, it starts performing. During the storming phase power relations are constantly challenged between the participants and the trainers, and between the participants themselves. After the group goes through the fourth stage of performing, it has to be eventually killed so that new processes can be started.
- While designing the session trainers must keep in mind three specific aspects: content, intent and impact. Each method chosen has to keep in mind what method works the best to satisfy the three aspects. For example, the readings provided matched each of the sessions and what was done during the day. Therefore, during the reading sessions, participants got more theoretical insights into what they practiced during the day.
- During a training programme, one has to build an understanding of paralegals from different contexts, what are the competencies and methodologies which can applied to the study and practice of law.
- It is always good to move from a certain vagueness to concreteness. For example, understanding the access to justice situation in each country, and then proceedings to develop concrete identities based on that understanding. Similarly, it is always important to draw a connection between the micro and macro constantly, so that participants understand how working on details, on the ground connect with more macro and meta issues.
- In the current scheme of the design the trainers had envisioned a design programme wherein the first day was generic drawing from the various lived experiences of the participants and addressing broad issues on the theme of paralegals; the second day was a little more concrete through a more concrete defining of the "paralegal" and use of methodologies and how the same could be applied to the study of law; and the third day was even more concrete looking at specific methodologies and the principles behind the same.

Session II

- “Alternate Legal Education”

- ❖ Linking UDHR with Constitutions

I. Methodology

The participants were divided into their country groups. Each group was asked to pick up the thematic that it enacted in the “photograph stills” (also known as *jhalkis*). Groups were then asked to identify five violations based on the thematic, locate the relevant provisions applicable in the UDHR and the corresponding provisions in their country constitutions. The groups had to then present the same to the plenary in the form of a grid capturing all the information.

II. Conceptual Underpinnings

The session aimed to demonstrate another methodology of alternate legal education by linking international provisions, constitutional law with specific thematic.

- ❖ Layered Questioning

I. Methodology

The trainers provided an input session on layered questioning through a power point presentation.

II. Conceptual Underpinnings

The session aimed to provide a demo in the different kinds of questions that can be framed and asked to test participants’ knowledge of the law, and its application to factual scenarios. This methodology is another example of alternate legal education whereby the law is taught in a practical and engaging manner rather than just theoretically.

- ❖ Defining Lived Experiences: Domestic Violence & Its Definition

I. Methodology

Participants in their respective groups were asked to define “domestic violence” by relating to the experience of any woman in their association who had experienced domestic violence. The different definitions of domestic violence were then share with the group followed by a discussion on the same.

II. Conceptual Underpinnings

The objective of the exercise was to get the participants to relate to personal experiences, or experiences of others’ in their lives and connect the same with a particular thematic in the context of the law.

Night Session

Participants were divided into different groups and each group was given a reading. One member of each group after discussion within presented the essence of the reading in their own words to the entire plenary. Participants were also given a learning style inventory to fill for the next day's sessions.

Day IV
8th January, 2016

Morning Session

- **Body Work**

The morning session consisted of meditation techniques such as *shavasana* and exercises on trust building and intimacy. Participants were paired, and in each pair one participant was asked to close eyes while the other participant led his/her partner around only through the touch of fingers. The other activity involved tapping the body of the partner with the hands at different points. The activities were aimed at building trust between the participants and increasing intimacy through touch. The techniques aimed at focussing on the interpersonal and building skills of trust, sensitivities and non-verbal communication.

Zero Hour

- **Reporting Group 3**

I. Methodology

The reporting group was asked to conduct a recap of the previous day's sessions in the form of a focused group discussion with the plenary group based on the previous day's readings on focused group discussions. The reporting group had to cover the following the elements in the FGD:

- o What was done?
- o Why was it done?
- o How was it done?
- o Learning & Insights

Another group from the plenary was asked to critique the manner in which the reporting group had conducted the focused group discussion.

Additionally, the plenary group was asked to provide feedback on the presentations based on the following parameters:

- Additions in content/reflections/insights to the presentation
- Feedback to presenters:
 - o How did I receive this?
 - o What was done well?

II. Conceptual Underpinnings

- The reporting group is a method of developing the group's ability to critique training sessions, setting quality benchmarks in reporting and assessing how much the group has internalised from the previous day's sessions. It is also an opportunity to reflect on the methodologies used, and the design principles which are inherent in the session. It also gives opportunity to the participants right from the beginning to take the stage in the role of a trainer, conduct a session and practice methodologies that they learnt the previous day.
- The reporting group also ensured that the group was collectively preparing a knowledge document by capturing the sessions; breaking country identities and mixing people together to ensure a more assimilated and inclusive working group; and introducing each individual's own learning and training styles through the presentations.
- The reporting group was asked to conduct a focused group discussion in order to demonstrate the use of a particular methodology through direct participation.

III. Insights from the Trainers

The trainers shared some insights regarding conducting focussed group discussions. They spoke of the role of a facilitator of a group as someone who was required to drive, steer and facilitate the group. Initiating a human dialogue is extremely tough. Hence, it is important that initially the facilitator drives the group with his or her own energy, and when the group begins to respond and gain momentum, then the facilitator must move back and let the group perform. Thus the relationship between the group and the facilitator is an important one based first on the facilitator's ability to motivate the group and gain momentum.

- Gender as a Social Construct

I. Methodology

Each participant in the plenary group was asked to draw a symbol which represented a man and a woman and then explain the qualities which they would attribute to such a symbol. Further they were also asked to list one quality that associated with both their father and mother respectively. After a list of these symbols and their corresponding qualities were made, the trainers gave inputs on gender as a social construct.

II. Conceptual Underpinnings

The purpose of the exercise was to enable participants to understand the notion of gender and how certain gender stereotypes are unconsciously internalised. By using the symbols or “metaphors” the exercise sought to tap on to these internalised and unconscious notions of gender, the trainers through the input sessions sought to break these stereotyped notions and explain the importance of gender in our everyday lives and specifically for any rights based work.

III. Insights from the Group

Male		Female	
Symbol	Quality	Symbol	Quality
Iron bar	Tough	Flower	Beautiful
Wind	Tough	River	Essential for Life, Nurturing And Strength
Diamond	Hardness	Cloud	Peace and Serenity
Coconut tree	Provider	Sea waves	Strength
Sunflower	Flirty	Water	Adapt to Situation
Mountain	Rock, Hard	Tree	Sacrifice, Shade, Nurture
Barbed wire	Control, limitations	Cane	Foldable, flexible, hard, holds everything
Coconut	Hard To Crack	Earth	Source of Life
Bird	Free		

Mother	Father
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Calm, Courage, Caring, Intelligence, Sacrifice, Soft
Patience, Equality, Hard worker, Soft spoke, Dictator, Social, Wisdom, Security

Polite, Smart, Responsibility, Inspiration, Hardworking, Autocratic, Dictator, Terror, Provider, Teacher, Liberal, Accommodator, ATM

IV. Insights from the Trainers

- While going through the responses of the participants the trainers pointed out a pattern in the responses that associated hard qualities with men/father and soft qualities with women/mother. This pattern indicated the stereotypical ways in which gender is internalised by all of us.
- Pointing out to the importance of gender in shaping our lives and world view the trainers showed how the gendered “I” looks at oneself and others. It shapes what we perceive and how, our values, beliefs, attitudes and behaviours. It determines our self-construction of the external reality. Until one changes the “I” and how people see others, simple trainings on gender would not work at removing gender discrimination.
- The question then is how does one engender the “I”? It is thus crucial for both men and women to understand the “masculine” and “feminine”. In fact, it is doubly important for men to understand “feminity” and embrace the same within the self, in order to change the “I” at a very fundamental level.
- While understanding how gender functions at work, it is important to use analytical frameworks to see how individual consciousness is influenced by informal cultural norms, behaviors and deep institutional structures. Women’s access to resources and opportunities have to be enabled through formal laws, politics, etc. Further while individuals change, there also has to be a simultaneous institutional and systemic change.
- In this regard it is important to ask the self: am I perpetrating social construction of gender? How am I dealing with men and women in my own family? Are we doing anything to change social construction?
- There is too much focus on women as the agents of gender, and focus should also be on men as gender agents.
- Linking the idea of gender with the concept of the paralegal it is crucial to note that if the paralegal doesn’t have a deep understanding of self, then he or she will use laws to divide and not settle issues of gender. It is important to ask if we want to humanise society or punish others? Women’s rights is not just problem of women, but is problem of men also.

Session II

- **“Alternate Legal Education: Examples of Different Methodologies”**

I. Methodology

The participants were divided into their country groups and were asked plan one ALE methodology on the thematic of women’s rights based on the inputs from the previous sessions.

Groups were given half an hour to design their respective sessions. This was followed by inputs on ALE.

II. Conceptual Underpinnings

The objective of the session was to get the participants to practice an ALE methodology based on the input sessions and thematic discussed in the previous sessions.

III. Insights by the Group

The respective country groups designed the following ALE sessions:

India: The group was asked to design a buzz group to discuss the issue of sexual harassment. The target group was assumed to be a plenary of 30 participants divided into buzz groups of three each seated in a circular seating. Each group was given three questions with two responses to each question. Each response was to be put on one card the questions asked were:

- a. Statement by politician that violence against women has come down?
- b. In your neighbourhood, have you heard of any woman who has been sexually assaulted?
- c. In which age group is sexual assault more common?

Bangladesh: The group was asked to design a session on role playing. They collected 8 volunteers who were given a specific issue and five minutes to prepare and plan the same. Another five minutes were given for presentation of the role play. The audience was then required to identify what violence was happening in the role play by looking at the relevant legal provisions. The same was followed by an explanation and discussion.

Sri Lanka: The group was asked to design a session on case studies. The audience was divided into country groups and each group was given case studies to identify sexual harassment within the same based on domestic and international law.

Pakistan: The group was asked to design a session of direct and indirect questioning. The group first provided inputs on the qualities of good questions, and then followed it up with the following direct and indirect questions:

- a. Does Pakistan constitution carry fundamental rights relating to arrest?
- b. Mazhar has been arrested by police and kept in custody for five days. Does the constitution provide protection?

Bhutan: The group provided an input on application questions and asked the following question:

- a. B owns an automobile workshop. He hires A, a woman to work with other men co-workers. She was paid Rs. 100 lesser than her co-members. After one year she gives birth to child and takes unauthorised leave for two months. She receives a termination letter before, with no payment for the last 3 months and no maternity leave. Terms of contract are not clear. Under Bhutanese constitution there is equal pay for equal work. What are her constitutional rights?

- **“Definition of a Paralegal”**

I. Methodology

A working group consisting of one representative from each country group was created to develop one definition of a “paralegal” from all five definitions presented on the first day. The proposed definition was presented to the plenary and feedback was solicited on the same from the participants.

II. Conceptual Underpinnings

The objective of the exercise was to create one uniform acceptable definition of a paralegal keeping in the mind the different perspectives of the entire group.

Session IV

- **“Challenges in Organizing a Training Programme”**

The trainers shared many insights on the challenges in organising a training programme. The same was done by doing a recap of the last three days by the discussing the challenges in selecting trainees, developing training materials, creating the design, and the challenges faced by the organisers themselves. The trainers also shared the entire framework of the design for the entire four days.

Session V

- **“Designing a Session”**

The participants divided in their country groups were asked to design a paralegal training in the following steps:

- Each country group was assigned to develop specific objectives for their paralegal training programme.
- The session was followed by group presentations for each of these objectives. Feedback was given on the same.
- The groups were then asked to draw a “competency grid” based on three parameters: knowledge, attitudes and skills based on the work done in the previous sessions. This competency grid was required to be aligned with the objectives of the paralegal training programme.
- Groups were then asked to freeze the broad frame of the programme, along with the number of days and the field work which would be interspersed in the programme.

- The groups presented their workings which was followed by a feedback session for each.
 - Finally, the groups were assigned the task of designing a session wise plan for the training programme based on the objectives and competency grid which would be presented to the plenary on the final day.
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Night Session

Participants were given the whole night to prepare the final design and session plans.

Day V
9th January, 2016

Morning Session

- **Body Work**

The morning session consisted of body work through different techniques. The techniques used during body work included *shavasana* and touching one's own body by tapping different parts to be aware of the same.

Zero Hour

- **Reporting Group 4**

I. Methodology

The reporting group was asked to report on the previous day's sessions by capturing the following elements and making a power-point presentation of twenty minutes:

- How you worked as a group
- Analysis of the learning sheets
- Day's proceedings in terms of:
 - o What was done?
 - o Why was it done?
 - o How was it done?
 - o Learning & Insights

Additionally, the plenary group was asked to provide feedback on the presentations based on the following parameters:

- Additions in content/reflections/insights to the presentation
- Feedback to presenters:

- o How did I receive this?
- o What was done well?
- o What could be done differently?

II. Conceptual Underpinnings

- The reporting group is a method of developing the group’s ability to critique training sessions, setting quality benchmarks in reporting and assessing how much the group has internalised from the previous day’s sessions. It is also an opportunity to reflect on the methodologies used, and the design principles which are inherent in the session. It also gives opportunity to the participants right from the beginning to take the stage in the role of a trainer, conduct a session and practice methodologies that they learnt the previous day.
- The reporting group also ensured that the group was collectively preparing a knowledge document by capturing the sessions; breaking country identities and mixing people together to ensure a more assimilated and inclusive working group; and introducing each individual’s own learning and training styles through the presentations.

Session I

• “Presentation of Designs”

I. Methodology

Each of the groups presented their designs to the entire group. The same was reviewed and feedback was given by the trainers. There was a peer review group for each presenting group who also presented their review along with the trainers. Review groups were formed country-wise.

II. Conceptual Underpinnings

The methodology used was double loop learning along with experiential learning. The participants were expected to apply the insights over the course of the five days in their training designs, and in its presentations. The aim of the session was to prepare the participants for re-entry into their world with a module through a full-fledged trial of an exercise resulting in a take-home product.

III. Inputs by Trainers on Trainer Interventions

- The trainers gave insights into how the peer-reviews should have been structured. They said that while reviewing a design one must match the four kinds of competencies with the objectives of the training programme. Second it was crucial to maintain the heart and mind connect through the training programme. And lastly, the trainers should have applied principles of ALE to the training design.
- For critiquing the designs, the trainers made a distinction between critiquing and fault finding. Further, the method of appreciative inquiry can be used to critique designs. While doing an appreciative inquiry it is crucial to mention the good things in one’s design or presentation, as well as point out critical points.

- Therefore, for both the reviewer and reviewee, the following questions are important:
 - o How did you feel reviewing?
 - o How did you feel as a reviewer?
 - o How did you feel being reviewed?
 - o How were you reviewed?
 - o How did you review?

Session II

- **“Simulation of ALE Methods”**

I. Methodology

Each group was asked to simulate one session from their training designs by applying principles and methodologies of ALE.

II. Conceptual Underpinnings

The objective of the session was to give the groups an experience of conducting a session by putting into practice the inputs and insights shared during the sessions and receiving feedback on the same.

III. Feedback from the Trainers

The country groups conducted the following simulations and received feedback from the trainers on the same:

- **India:** Application based questioning (dowry)
 - o One member of the team was made the bait and sent forward while the other team members didn't do much
 - o Not much context to the questions
 - o Poor use of English
 - o Participants were not told what to do
- **Sri Lanka:** Session on Counselling
 - o pre decided volunteers did a role play, followed by a critique and input session on counselling
 - o Could have asked people to stage a role play
 - o No law use
 - o Session objectives were huge, delivered very small part in interviewing
 - o Volunteers were pre-decided and not spontaneous
- **Pakistan:** Input Session on Importance of Law
 - o Could have given some take homes
 - o Did well to cheer the group initially
 - o Flippancy-seriousness together, shouldn't let the training zone remain a joking space.
- **Bangladesh:** Session on Inequality through a Racing Game
 - o If you have planned something and its not working, break it

- o Sometimes group takes you where it wants to and must move along with the pace of the group
 - o Design issue- what did you want? Spoke about equality, garments, opportunity: too much information
 - o Used cards well
- **Bhutan:** Session on Mediation using a game, pictures and storytelling
 - o What was impact? Did you experience? Or experience and learn? See/listen?
 - o Could have defined mediation in their context
 - o Sometimes one enjoys a lot in a game but one has to ask what did I take back from the session?
 - o Cultural sensitivity- how much to keep and how much to break? Do you remain with it and do you go beyond?
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Concluding Session

- “Closing Words”

Manzoor Hasan, Executive Director, SAILS

Mr. Hasan began his concluding words by saying that training had been a great success story in terms of the trainees chosen. He said that a great gender balance had been maintained with equal men and women participating in the workshop. However, the critical question was what is it that we want to do now? He asked the participants what their vision was as far as training and capacity building of paralegals was concerned and how would they want to use the tools learnt at the training programme to further that vision? He said that training of master trainers was a very important objective of the training program. There was follow up work required in the different countries in order to multiply the trainers working in the field of access to justice and paralegalism. In order to do this, it was necessary to carry out extensive networking and capacity building. He made the important point that without master trainers it was difficult to achieve the targets of Sustainable Development Goal 16. He concluded by saying that in the future SAILS, CSJ and other organisations, will be involved in academia and research. This was not a one off event, but a continuous process which will continue to move ahead.

Gagan Sethi, Vice-Chairman, CSJ

Mr. Sethi began his concluding address by making the point that in the access to justice sector many actors have to come together. One set of people cannot handle this entire issue. He said that he was happy to see people from government institutions, universities, grassroots organisations in the training programme He then posed the question of what is the common thread for constructing paralegals. Can we find the common spine? It was important that the judicial system open up and not remain confined to closed systems. Access is psychological, socio-economic and not just about infrastructure. Access and delivery are separate. Focus has always been on delivery. The paralegal is the first person in the delivery chain. The biggest problem of the judiciary is that it can't reach the poor or can't find the poor. However, to find vulnerability one also needs a heart. He posed the question if we could find a forum in SAARC which can feed into this understanding. We need a critical number of paralegals, and demonstrate that they are performing. And so we need to build a roadmap for the same and CSJ would be happy to facilitate the same by bringing together different stakeholders to build an institutional network. He expressed that CSJ was happy to partner at any level, anywhere with those who are invested in the cause of paralegalism.