The Newsletter of AVCB Project

Simile Journey to facilitate justice for the poor

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Activating Village Courts in Bangladesh Project

Local Government Division

Ministry of Local Government, Rural Development and Cooperatives



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Project Brief ___



The formal justice system in Bangladesh is overwhelmed by the demand for legal recourse but for the vast majority of the population, the prohibitive costs of formal justice, coupled with a poor understanding of legal matters, means that access to justice is out of their reach. In order to reduce the burden on the higher courts, as well as to increase access to justice for the wider population (73% of total population) who live in villages, the Government of Bangladesh (GoB) introduced Village Courts Ordinance, 1976 which was repealed by the enactment of the Village Courts Act, 2006. The Village Courts Act 2006, later on amended in September 2013, entrusts Union Parishad (UP) to offer justice services for both petty civil and criminal in nature within the pecuniary jurisdiction of BDT 75,000 (USD 975.00). This justice delivery service aims to enable local peoples resolving their petty disputes and conflicts amicably at their door steps for establishing local peace and harmony for broader development and human rights establishment. The Local Government Division (LGD) of the Ministry of Local Government, Rural Development and Cooperatives (MoLGRD&C) is implementing Activating Village Courts in Bangladesh (AVCB) project, a five year (2009-2013) long pilot project, with another year of no-cost extension up to December 2014 under financial and technical support of European Commission and UNDP Bangladesh covering 351 UPs of 57 upazillas under 14 districts of 6 divisions. The project is being implemented under the Nationally Execution (NEX) modality and it envisages improving access to justice for disadvantaged marginalized and groups enhancing human rights systems and process in Bangladesh. The expected output of the project is the village Courts in selected UPs are activated, functioning and responsive

to the needs of the local justice seekers. There are five technical components such as Program Coordination, Capacity Building, Communication & Advocacy, Legal Reform and Monitoring and Evaluation component have been working to reach the objective. Within the NEX modality, the AVCB project implementation strategy includes hiring NGOs to help LGD for grassroots level capacity building, social mobilization and eventually activating village courts under the technical support and supervision of project management team. In addition, two committees encompasses with inter-ministerial officials, Project Steering Committee (PSC) and Project Implementation Committee (PIC), oversee the project. In this newsletter we are proud to share the continuous progress, success and achievement of the project as well as valuable information which would be helpful for justice practitioners, programmers, donor community, researchers, etc.

Enacted Village Courts (amendment) Act 2013: _____



The Jatiya Sangsad (National Parliament) passed the Village Court (Amendment) Bill, 2013 on 18 September 2013 with a provision to incorporate several new clauses into the existing Village Court Act, 2006 for smooth judicial activities at the rural level. It reflects a significant achievement and one of the key tangible results of the Village Courts project. Clash, theft, damaging of crops, harming cattle, breach of monetary deal, poisoning fish in ponds etc. can be settled in the village court as per the law. The amended Act aimed at further

strengthening the institutional of functionality village courts through increasing pecuniary jurisdiction from BDT. 25,000 to BDT 75,000; making the Courts more gender-sensitive through mandatory women representation in the village court panel in case of women and children's interest are concerned. Furthermore, the amended Act empowers Union Parishad in case of enforcing Village Courts decisions by themselves and eventually allows it attending more cases as the Result Oriented Monitoring (ROM) mission

2012 mentioned that "Low financial ceiling (BDT 25,000) resulting in estimate 40% of eligible cases being brought to the attention of the VC". The salient features of the amendment includes:

- Increase the financial jurisdiction of Village Courts from BDT 25,000.00 to 75,000.00;
- Inclusion of a mandatory women member in 5 members' panel in case of those criminal matters involving the interest of minors and both civil and criminal matters related with the interest of women;
- Inclusion of the provision of a fine of BDT 5,000.00 for filing a false case;
- Increasing fine from BDT 500.00 up to BDT 1,000.00 for showing disrespect to the Village Courts; and
- Allowing more authority to Union Parishad in enforcing VC's decision particularly realization of money as per the Local Government (UP) Act 2009.

Awarding UPs on Village Courts performance: _____



The Project awarded 36 Union Parishad (UPs) for their best performance on Village Courts service. Three UPs from each of the 12 districts were

selected through an assessment carried out by local administration. The awards were handed over through a ceremonial event 'Award

Giving Ceremony for Village Courts on Outstanding Performance' held at Osmani Memorial Hall, Dhaka on 21 September 2013. The event was presided over by Mr. Abu Alam Md. Shahid Khan, Secretary, LGD. It was also enriched with the presence of Advocate Jahangir Kabir Nanak, MP, the then State Minister, Ministry of Local Government & Cooperatives (MoLGRD&C) as Chief Guest and Ms. Pauline Tamesis, Country Director, UNDP Bangladesh as a Guest of Honor. Around 500 participants including 350 UP Chairmen, government officials, representatives from NGO,

civil society and media attended the ceremony. The aim of the event was to create a healthy competition among the UPs in activation of Village Courts.

In his welcome speech, Mr. KM Mozammel Hoq, Additional Secretary of LGD and National Project Director of AVCB Project mentioned that the awarded UPs might the best among 338 but it does not mean others are too far from them. In his speech, the Chief Guest Advocate Jahangir Kabir Nanak, MP, the then State Minister for

Ministry of Local Government & Cooperatives (MoLGRD&C) referred the recently passed Village Court (Amendment) Bill, 2013 as an example of willingness and commitment of the government in activating Village Courts. He expected, the amendments will certainly allow scopes to empower women, poor disadvantaged groups seeking remedies from injustices at local level. Ms. Pauline Tamesis, Country Director, UNDP Bangladesh acknowledged, the newly passed Village Court (Amendment) Bill, 2013

as a testimony of national commitment on access to justice for all by the government. She drew the attention of the government to outline Village Courts Rules immediately following the amendment. Finally, 36 UPs were rewarded with crests and certificates for securing district wise highest scores among 338 UPs under AVCB project area. In addition, 6 UPs were rewarded as the best at divisional level. The event ended with a positive spirit among the UP representatives in renewing their commitment in activating village courts.

Research & Process Development (R&PD) initiatives: ____

Apart from field implementation with NGO engagement in 4 divisions covering 338 UPs, the Project started some pilot interventions, terming as Research and Process Development (R & PD), in 12 UPs within the targeted 350 UPs. It includes 5 UPs under Dakshin Surma upazila of Sylhet district and 7 UPs under Bhandaria upazila of Pirojpur district

in Sylhet and Barisal division respectively. The major objective of this approach is to test the implementation on how to increase government ownership in village courts activation as well as monitoring its performance. Moreover, undertaking pilot testing of any new materials, activities and documenting the learning were another consideration for R & PD



approach. The Project has recently deployed field staff (at union and upazila level) through an outsourced HR firm, E-Zone, aiming to operationalize the project activities with the technical guidance of the AVCB Project Management Team and LGD. Following the planned approach, field staff are working under direct supervision of Upazila Nirbahi Officer (UNO) and in close coordination and technical assistance from the AVCB Project team. The local administration (UNO Deputy Director Local Government (DDLG)) is made increasingly responsible for these field staff and project activities being carried out by the staff as per the activity and budget approved by Project Director National (NPD) periodically. The entire field coordination, implementation and financial management are bestowed to the local administration. The AVCB Project Management Team (PMT) arranged required orientations for the DDLGs, UNOs, Chairmen and 28 recruited staffs of R&PD in October. Moreover, necessary technical and thematic orientations on Village Courts are also offered to the field staff.

Capacity building and community mobilization: _



Regarding capacity development, the project has been working at individual, community and institutional level so that beneficiaries can access quality judicial service after winding up of the project support. In this line, the project has already built the capacity of all UP representatives of 350 UPs on Village Courts and also integrated VC issue into the National Institute of Local Government's (NILG's) training curriculum. Integration of VCs issues into Judicial Administration Training Institute (JATI), Bangladesh Police Academy (BPA) and Police Training Centers (PTCs) training curriculum are underway. Local Government Division (LGD) has made a formal request to Ministry of Law for regularizing the VC subject matter into JATI's pertinent training courses. The issue is awaiting the concurrence of the Honorable Chief Justice (CJ), who heads the JATI Trustee board, Meanwhile, JATI has already incorporated two hours training

session on VC in their regular courses and started providing training to judicial officials on Village Courts. LGD also sent a request letter to the Inspector General of Police (IGP) regarding integration of VC issue into the training curricula of BPA and PTCs. In reply, Police Headquarter (PHQ) have sought technical assistance from the LGD. In a total about 1,000,000 (one million) grass roots level community people were mobilized towards Village Courts services through organizing 17,489 Community Based Organization meetings, 26,320 Courtyard meetings, and staging 423 street dramas. In addition public awareness on Village Courts was raised through organizing 1,091 sensitization workshops at union and upazila level with the participation of around 5,200 peoples including UNOs, Upazila Chairmen, Upazila Vice-Chairmen, youth groups, UP representatives, school and college teachers, religious leaders, community leaders, women leaders, NGO workers, and local journalists. Moreover, Local Government Division (LGD) with the support of Activating Village Courts in Bangladesh Project has entered into a contract with Bangladesh Television (public terrestrial TV channel) for telecasting one-minute TV spot on village courts. The spot aims to enhance the knowledge on VCs and accelerate the justice seeking behavior among rural community. Bangladesh Television (BTV) is airing the Spot initially from 12 December 2013 - 29 March 2014. The BTV has bestowed pick slots to broadcast the spot till 29 March 2014 before news at 8 pm and 10 pm on almost every day. The project believes continued broadcasting through BTV enormously contribute in mobilization of key stakeholders in advancing the Village Courts as well as enhancing the awareness on village courts among the target groups particularly rural dwellers throughout the country.

Women participation increased in justice process through Village Courts:

Project targeted to encourage women in seeking remedial service through village courts. As a result, 13,647 women sought remedy (5,300 women only in 2013) through Village courts till November 2013. 78% of justice seekers got remedy. The project initiatives also encouraged petitioners and respondents in nominating women in village court panel. Therefore, representation of women in VCs' decision making process increased from 8% (in 2012) to 11% (in 2013). Project's contribution regarding women empowerment is reflected from a statement made by one female Community Based Organization (CBO) member in Chuadanga district '...previously women did not come out of their houses. Now they are beginning to come out and speak.' At the policy level, the project also made significant progress in women empowerment. The amended Village Courts



Act 2013, enacted in September 2013, will increase women participation in justice delivery process as there is a provision for compulsory women's participation in VC panel members.

Strengthening GOB in Village Courts performance monitoring:



Formation and functioning of Village Courts Management Committee

Upazila and District Village Courts Management Committee (VCMC) are formed in 14 Districts and 57 upazilas as per the Government Order issued on 22nd March 2012. VCMCs are meeting in most of the upazilas and districts of the project areas as 71% (10 out of 14) district VCMC and 75% (43 out of 57) upazila VCMC meeting held in the 3rd quarter of 2013.

Capacity building of DDLGs, UNOs and UP representatives in piloting decen-

tralized Monitoring Inspection and Evaluation (MIE) system

Decentralized Monitoring, Inspection and Evaluation system was developed aiming to evaluate VC performance by involving local administration. The LGD decided to pilot the system in 15 UPs, 7 upazilas and 5 districts prior to wider implementation. Accordingly, LGD issued two GOs - one on highlighting roles and responsibilities of DDLGs, UNOs and UP representatives to implement decentralized MIE system and, another on reporting mechanism. The project has built capacity of

relevant stakeholders of the piloting areas i.e. DDLGs, UNOs, UP Chairmen, UP panel Chairmen, UP Secretaries and Village Courts Assistants through 7 orientation sessions held at upazila complex of Aditmari, Lalmonirhat Sadar, Nilphamari Sadar, Dakshin Surma, Bandharia, Pirgacha, and Rangpur Sadar. The entire sessions were organized by upazila administration while AVCB Project provided financial and technical supports. The objective of the session included orienting the participants on decentralized MIE system together with tools and techniques and, roles, responsibilities of Union, Upazila and District. Each session was followed with group works where each UP prepared quarterly Village Court Performance reports extracting information from registers. Meanwhile, different Monitoring, Inspection and Evaluation (MIE) Wing of LGD has started receiving reports on Village Courts performance from DDLGs.

¹ Mid-Term Review (MTR) Report, 2013

Village Courts performance: ___



Case reported and resolved:

The village courts are providing legal service in 350 unions. A cumulative total of 43,593 cases are reported since 2010, of which 33,971 are resolved taking on an average 28 days per

case. Of the resolved cases, 27,400 decisions have been implemented. As of November 2013, 2,677 cases are transferred from District courts to Village Courts indicating village court's positive role in reducing case backlogs in the upper courts.

Amount of money recovered by Village Court's:

In total, BDT 89,858,300 (US\$ 1,163,214) is recovered as compensation from respondents since 2010 and is handed over to petitioners.

Women involvement in VC decision making process:

Project targeted to encourage women in seeking remedial service through village courts. As a result, 10,858 women (32%) obtained remedies through VCs. Representation of women in the VC decision making process is increased from 8% in 2012 to 11% in 2013.

District Facilitators are orientated on amended VC Law: ____

With an oversight role, AVCB project has appointed 08 District Facilitators (DFs) in Rangpur, Lalmonirhat, Chittagong, Cox's Bazar, Narail, Magura, Rajbari and Kishoregani with closer working relationship with Deputy Director (Local Government). Enriching them with full spirit of amended VC legal framework the project organized a three-day residential workshop in Kishoreganj district held from 29 September to 01 October 2013. Highlighting the expectations from DFs, Sarder M. Asaduzzaman, Project Manager of AVCB Project expressed that, DFs are to ensure deliverables from the UPs in activating village courts. He stressed on ensuring the best output from each DFs in fulfilling the goal of the project. Representatives from different components shared their learning collected from field and expected DFs will utilize these for improving the field implementation.



Deeper insights of the amended VC Act, existing Rules, project implementation strategy, administrative and financial management were shared to them. Participants were brought to the field in the adjacent UPs for first hand learning and observing the VC documentation together with witnessing VC session

together with documenting successful case stories. Moreover, the participants learnt the process for monitoring finance and operation issues. The orientation workshop was very useful in boosting up the team spirit among DFs as well as enhancing coordination within the project team members.

Project Implementation Committee meeting: ___

The 8th Project Implementation Committee (PIC) meeting of Village Courts Project was held on 29th August 2013 in the Conference Room of Local Government Division, Mr. K M Mozammel Hog, National Project Director of Village Courts Project & Additional Secretary of LGD presided over the meeting. Mr. Sarder Md. Asaduzzaman, Project Manager of AVCB project updated the PIC members with the progress of different decisions made during the last PIC meeting, revised Annual Work Plan (AWP) 2013, selection process of the best 36 UPs on VC performance. In addition, he also updated the DF recruitment status, progress of R&PD initiatives and status of award giving intervention. The meeting endorsed the 7th PIC meeting minutes, revised AWP 2013 and selection of the best 36 UPs from 12 districts including



division wise 6 best UPs. Among others, Mr. Abu Tahir Md. Zaber, Deputy Secretary of LGD, Md. Abdur Rouf, Deputy Chief of LGD, Md. Wahid Hossain, Assistant Director of IMED, Hussain Ahmed, Senior Assistant

Secretary of Cabinet Division, Md. Mustafizur Rahman, Deputy Secretary of Law and Justice Division, Abu Usuf Md. Rasel, Assistant Chief, ERD and Mr. Salahuddin Khan, Programme Analyst UNDP attended the meeting.

Project Steering Committee meeting: ___



The 4th Project Steering Committee (PSC) meeting of the project held on Wednesday, 27 November 2013 at Local Government Division (LGD). Mr. Abu Alam Md. Shahid Khan, Secretary,

Local Government Division (LGD) presided over the meeting. Ms. Pauline Tamesis, Country Director of UNDP in Bangladesh and Mr. K M Mozammel Hoq, National Project

Director of Village Courts Project & Additional Secretary of LGD were present in the discussion. Ms. Shamima Nargis, Joint Secretary of Local Government Division (LGD)

updated the PSC members about the progress of the activities including updates from the last PSC meeting. Mr. Sarder Md. Asaduzzaman, Project Manager, AVCB project apprised the meeting of progress against Annual Work Plan 2013. The meeting discussed about the last two PIC meeting decisions, endorsed the no-cost extension up to December

2014 and consented to move forward to notify planning commission. PSC members stressed upon scaling up the geographical coverage of the project. The meeting agreed and advised LGD to arrange a high level consultation among UNDP, EU and line ministry to initiate discussion on the next phase designing shortly. Among others, Mr. Abu Tahir Md.

Zaber, Deputy Secretary, LGD, MoLGRD&C, Mr. Habib Md. Halimuzzaman, Deputy Secretary, MoPA, Md. Khairul Alam Sk., Deputy Secretary, MoHA, Mr. SM Shafiqul Islam, Assistant Chief, MoWCA, Mr. Khandaker Ahsan Hossain, Director, IMED, Mr. Swapan Kumar Sarkar, DG, MIE Wing, Mr. Salahuddin Khan, Programme Analyst UNDP attended the meeting.

Mid-Term Review (MTR):

The Mid-Term Review (MTR) was commissioned by UNDP Bangladesh with one International and one National Consultant in February-March 2013. The evaluators visited districts under Chittagong and Dhaka divisions including the R & PD (Research and Process Development) areas (covering Sylhet and Pirojpur district). The Mission appreciated the progress in 338 UPs (out of 350) while strongly recommended to accelerate the implementation under R&PD in remaining 12 UPs. Together with several recommendations to be followed for the remaining period, MTR team recommended for starting plan for the next phase designing.

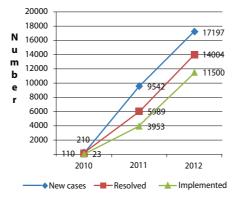
Key Findings and recommendation of MTR

Key Findings:

The AVCB has succeeded in activating 338 of 350 Village Courts. It shows promising indications of being a highly effective model for scaling up across the country and establishing an international best practice model that could be applied in other jurisdictions. The MTR team met with universal enthusiasm for the project from court users to court administrators and

local government officials.

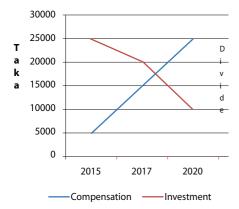
- both with the government and the community. The legal structure is simple. The courts are local (most are within a 3km radius of people's homes). Income is no bar to accessing the courts. The enforcement rate is high because of the restorative nature of the proceedings and relatively low compensation awards made.
- Cases are processed speedily, lasting between 23-28 days from filing of petition to judgment. Filing fees are very low and transaction costs (such as transport costs or survey fees) are deemed affordable. The numbers of cases between 2010-2012 show a steep rise.



The amount paid to petitioners by way of compensation has similarly risen from \$166,375 to \$528,930 in 2012. The average payments per case are just under BDT 3,000. The income range of the average petitioner is between BDT 5,000 –10,000. On average 30% of petitioners are women.

- Aside from the direct benefits accruing to petitioners, the project has conferred significant societal benefits on local communities, including: enhanced social harmony, closer relations between the UP and community, perceptions that crime has reduced, a neutral forum for resolving disputes according to law.
- The MTR estimate activation costs to be \$7,000 (covering a 12 month period) per VC. This comes down to \$3,000 in terms of running costs (once operational). Assuming government make available BDT Cr 70-80 (or \$10 million) in the next FY this would allow GoB to maintain 1500 VCs (at a total cost for the year of approximately \$4.5 million).

• The period 2013-2014 should allow the project to forecast expenditure and compensation in a new phase (2015-2020). An indicative graph by way of illustration is set out below:



The VC is showing signs of being a model of legal empowerment: 'Local knowledge and local justice are more effective. We don't need lawyers, police and even in some cases the UP chair! As a community, we can solve our own disputes.² It provides a simple legal framework people can understand, occupies the lowest rung of the formal justice system, is worth the cost and time to bring about a favourable and lawful outcome and shows poor petitioners that lawful recourse is available and responsive where before there was nothing. The costs to government appear to be affordable.

- There remain challenges, however.
 Firstly, while government engagement with the programme has grown (supported by the issue of GOs, attendance by the Prime Minister at a conference on VCs in 2012 and follow-up by UNOs and DCs), evidence of firm commitment is still pending.
 - The Finance Ministry needs to be assisted in seeing the delivery of basic justice services, such as the VCs, less as a cost and more as an investment in a public good. The allocation of BDT Cr 70-80 in the next financial year would provide a clear signal of government intent. The pecuniary cap of BDT 25,000 is cited by all stakeholders as a major impediment in resolving land and livestock disputes and may explain why 77% of cases determined by the VC are criminal in nature (when land disputes are widely accepted to be the principal cause of action). The tabling of the proposed amendments (as approved by Cabinet) would further signal the priority government places on the activation of VCs.
- Secondly, the 12 UPs in Pirojpur and Sylhet have not performed well as they have lacked the supporting services provided by PNGOs elsewhere. These needs

- to be addressed to ensure the VCs are activated on a standardized footing. At the same time, where VCs are functioning well, there is a sense that they are under-used and the 'space' could be used in the UP Complex to establish a *hub* of legal services.
- Thirdly, the real impact on the justice system is probably negligible however the perception by the judiciary in the project areas is that but for the VCs the caseload would increase. The project needs to co-ordinate with all justice service providers (especially the police and superior courts) to ensure early screening/diversion of cases to the VC and establish its place in the justice system (and not only in local government) as the first tier of formal resolution.
- Finally, in view of the momentum gained by the project attributable to the 'excellent'³ programme management and positive interest expressed by LGD in a second phase scaling up to 1000-1500 new VCs, emphasis needs to move in this next period to developing a fully costed model that covers the activation and running costs of the VCs to inform planning for a second phase in 2015-2020.

Recommendations made by MTR:

In furtherance of the above, the following recommendations are advanced:

- Extend the project for one year to December 2014 as a no-cost extension.
- Re-orient the 12 UPs in Pirojpur
- and Sylhet by contracting with a PNGO(s) to hire the required human resources and carry out the training required.
- Develop a flexible model for national scale up in a future second phase.
- Pilot a legal services 'hub' in several high achieving UP complexes.
- Standardize training (in consultation with PNGOs and national training institutes).

² MTR, Chittagong meetings

³ ROM 2012

- In limiting civil jurisdiction, insert specific BDT values in secondary legislation (i.e. the VC Rules) rather than in the governing VC Act, but with reference to land disputes, limit the area of the land (e.g. 10 decimals) in the primary legislation (without reference to the land value in BDT).
- Conduct research into a) the impact on poverty of the VCs; b) criminal offending rates and trends and victimization; and c) the kind of legal services needed by community members – with emphasis on gender dimensions and vulnerable groups.
- Commission an organizational development review of the project management structure that maximizes value for money in any national scale-up.
- Include police, judiciary, the Bar



in training and meetings.

 Obtain agreement for the VC to be listed as an agenda item in the Case Co-ordination Committee meetings with particular focus on early screening of cases coming into the CJMC and District Courts.

 Elaborate an advocacy strategy that makes the economic and political case for VCs.

Field Visit by Joint Secretary, ERD:.



Mr. Alkama Siddique, Joint Secretary, Economic Relations Division (ERD) visited Hardi and Baradi UP of Alamdanga upazila under Chuadanga district on 23rd September 2013. In his day-long mission he witnessed VC session, CBO meetings, VC documentation as well as met with UP representatives. In conclusion, he expressed satisfaction on the village courts performance and initiatives.

Village Courts Project's Donor meeting: ____



Activating Village Courts in Bangladesh Project had its donor meeting on 18th December 2013 at the Pan Pacific Sonargaon Hotel. The meeting reviewed the achievements and lessons learning of the current phase which is ending by December 2014.

The EC representative Mr. Philippe Jacques, Head of Cooperation expressed his deep satisfaction for the progress particularly the policy achievement made recently through amending the Village Courts Act in the Parliament. He termed this intervention as a flagship project and expressed his commitment to

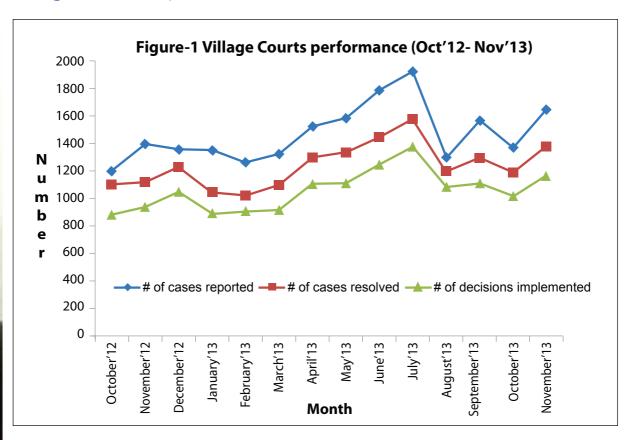
continue the support in the next phase.

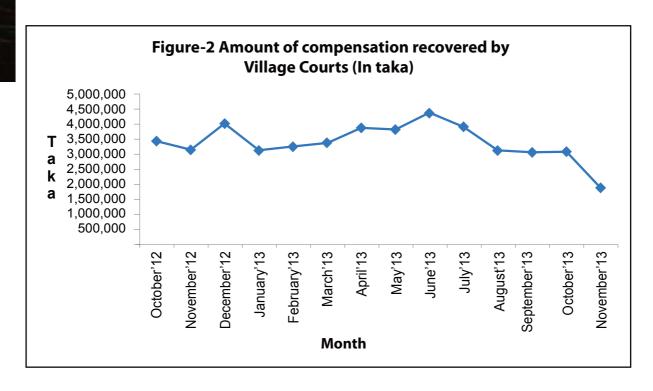
Mr. Abu Alam Md. Shahid Khan, LGD Secretary thanked the donors both EC and UNDP for their continued supports with technical assistance for this type of highly demanding and time worthy project which LGD considered should be replicated countrywide. The government representative expressed their deeper appreciation for the cooperation and at the same time wanted to maintain uninterrupted continuation between current and the next phase while expressed their cost-sharing inten-

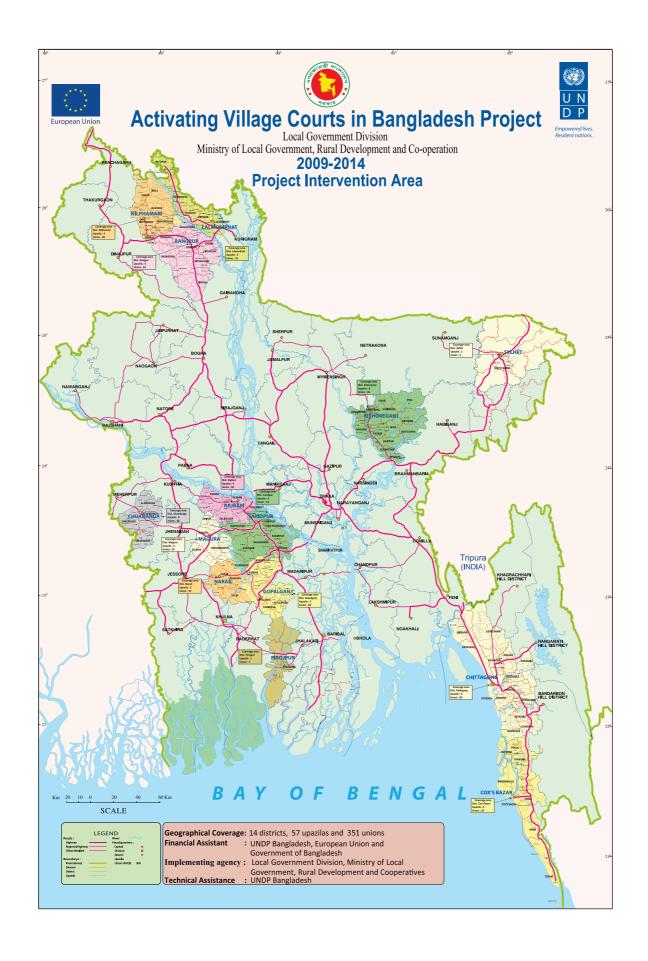
tion for the project.

The meeting agreed to field the formulation mission merging with identification mission by June 2014. The lunch-meeting was attended by Mr. Luc Patzelt, Task Manager from EU Delegation, Ms. Shamima Nargis, Joint Secretary of LGD, Mr. Abu Tahir Md. Zaber, Deputy Secretary of LGD, Mr. Salahuddin Khan, Programme Analyst, UNDP and Mr. Sarder Asaduzzaman, Project Coordinator. Activating Village Courts in Bangladesh Project.

Village Courts performance _









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