



Activating Village Courts in Bangladesh Project



Local Government Division
Ministry of Local Government, Rural Development & Cooperatives
Government of the People's Republic of Bangladesh



With Appreciation
to

Mr. Michael O'Neill, Assistant Administrator and Director of
the Bureau of External Relations and Advocacy, UNDP

28 October 2014



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*Empowered lives.
Resilient nations.*

CONTEXT

Official estimates are that case backlogs in the Bangladesh law courts have risen to 2.7 million cases over the past decade. Many cases can also take over 5 years to complete and arcane procedures and the costs of making a legal claim through the formal legal system in Bangladesh is prohibitive for many of the population particularly the poor and vulnerable. Despite of having the Village Courts Act 2006 for introducing a local and community level mechanism as a new layer in dispute resolution targeted at local communities in Bangladesh and the poor the framework didn't work due to various limitations. The Village Courts is formed with five members headed by Union Parishad (UP) Chair and four members (2 members nominated by each party). The underlying principle of village courts is that disputant parties can discuss their problems openly without hesitation, in an attempt to reach an amicable and sustainable decision, thereby helping to restore broken relationships. Village court decisions are equally valid as those made by any other formal higher courts in the country. Village courts can deal with cases of a criminal and civil nature, where the amount sought for compensation falls below or equal BDT 75,000.00 (\$961.00).

ACTION

Activating Village Courts in Bangladesh (AVCB) project commenced in 2010 and aims to provide the fabric for village court justice and focuses on a number of key spheres that work to build capacity of the village courts' human resources and infrastructure in 351 UPs. This has included designing procedures and providing physical resources as well as investing for capacity building of the panel members with required skills and access to information for them to be able to adjudicate over disputes. It has also ensured the mainstreaming of knowledge products and training modules

and embedding these in the civil service and developed a robust monitoring system in partnership with civil society to provide public accountability.

KEY RESULTS

1. A total of 60,823 cases submitted to village courts by August 2014. Of these 47,699 have been resolved taking on average 28 days per case. Of the resolved cases, 39,713 decisions have been implemented.
2. 3,710 cases have been referred from the district courts to village courts assisting to reduce the burden on the formal justice sector.
3. Access for women to justice has been increased. In total 15,170 women obtained justice through village courts. Representation of women in the village court decision making process has increased from 8 % in 2012 to 14% in 2014.
4. A total of BDT 154 million (US\$1.9 million) has been recovered as compensation since 2010 and provided to the complainants. Complainants used this money for meeting family needs, business and farming, medical expenses, and paying back their loans.
5. The Village Courts (amendment) Bill 2013 was enacted on 25 September 2013 introducing crucial reforms to further deepen the role of village courts.
6. Individual believe law and order situation have improved in their communities because of the village courts.
7. GOB already distributed Tk 6 crores (USD 0.769 million) for activation of VCs in 500 UPs outside of project areas

PROJECT SNAPSHOT

- **Official title: Activating Village Courts in Bangladesh**
- **Timeframe: 2009- 2014**
- **Development partners: EU, UNDP**
- **Implementing partners: Local Government Division**
- **Overall budget: US\$15.05 million**
 - **EU: US\$13.62 million**
 - **UNDP: US\$1.36 million**
 - **Government: US\$70,000**

CASE STORY

Merina received her money back through the intervention of her local village court

Along with her household work Merina Begaum reared poultry and goats to supplement the family income. Her husband earned a monthly income of BDT 5,000 as a labourer and the additional income meant she was able to save a small sum of money monthly.

A neighbour approached Merina and requested a loan that would enable him to purchase a small patch of land. Merina agreed and eventually loaned her neighbour BDT 17,500 and the parties to the loan signed a document agreeing to repayments over a period of time. However, once the date had passed for the loan to be repaid the instalments had not been fully delivered and although Merina continually requested repayment the borrower refused to answer her calls.

Merina first tried local mediation, and sat five times with the village elders, to try to find a solution, but when this failed she filed a civil case to recoup the amount she had loaned to her neighbour. The case was referred to the village courts and although there was some delay because of illness of the defendant a relatively swift decision was made to conclude the episode.

During the hearing documentary and oral evidence was submitted and the panel was able to make an informed decision that was in favour of the complainant. The panel ordered the repayment of the loan and the defendant deposited an amount of BDT 17,500 with the village court to settle the debt on the same day as the decision was made.



With the loan repaid Merina purchased a bull-calf that she saw as a sound investment with the festival of Eid approaching which would mean she could capitalise on her investment by selling the reared beast at market when demand was at its highest. Recounting her experience Merina Begaum said, "I became upset when my neighbour refused to pay back

the amount I loaned him and my family were upset with me for loaning money. I am very happy now that I have received the repayment in full and I have invested the money safely." Following the case the defendant admitted his error of judgement and promised in the future he would not repeat his behaviour.

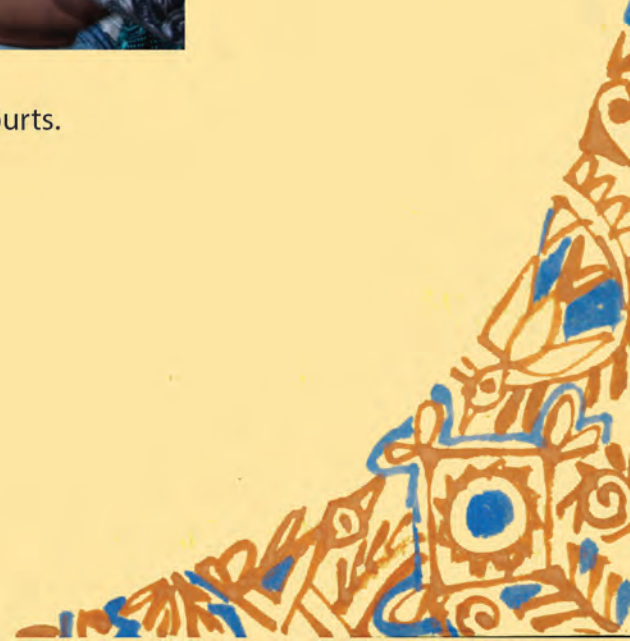


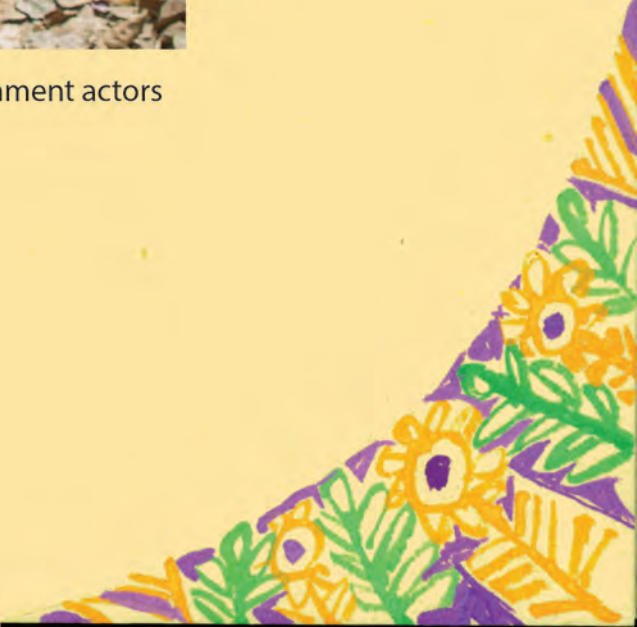
Community members attending Courtyard meeting on Village Courts.





CBO (Community Based Organization) members are in meeting on Village Courts.

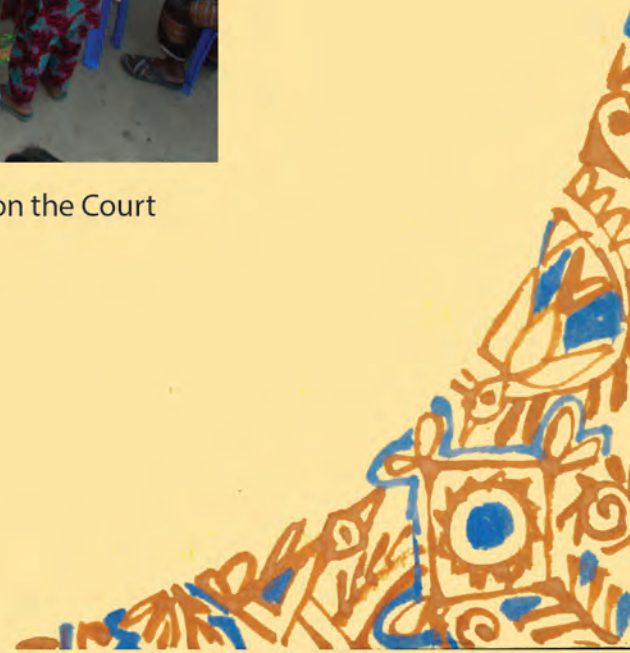




ment actors



Popular theatre on Village Courts attracts wider audiences in raising mass awareness on the Court services





Capacity Building Training for UP elected representatives and Secretaries on Village Courts Justice process





Serving Village Courts summons by Village Police





A rural woman taking oath in Village Court before trial starts



Giving witness by a rural dweller during Village Court trial process



On-going Village Court trial process



Reconciliation following Village Court decision.



Rural woman leaving village courts with expressed satisfaction



Reflections Workshop allows both government and non-government actors to share their field progress, challenges and experience for further accelerating the implementation.





Orientation on Village Courts Management Committee (VCMC) to Deputy Commissioners, Deputy Director Local Government and Upazila Nirbahi Officers enhances quality monitoring of village courts performance



Integration Workshop on Village Court issues with Judicial Administration Training Institute.



Mr. Monzur Hossain, Senior Secretary of Local Government Division is presiding over the Project Steering Committee meeting.



H.E. Mr. William Hanna, Ambassador and Head of Delegation of the European Union to Bangladesh speaks as Chief Guest in 'National Consultation on Role of Media in Activating Village Courts'.



Mr. Monzur Hossain, Senior Secretary of LGD speaks as the Chief Guest while Ms. Pauline Tamesis, Country Director, UNDP was present as Special Guest in the Project Review Workshop in Dhaka.



H.E. Mr. William Hanna, Ambassador and Head of Delegation of the European Union (EU) to Bangladesh observing Courtyard Meeting during field visit.



Mr. Dirk Meganck, Director, DEVCO H, Asia, Central Asia, Middle East/Gulf and Pacific & Mr. Jos Jonckers, Deputy Head of Unit H1, Geographical Coordination Asia and Pacific from European Union (EU) Headquarter in Brussels highly appreciated the Village Courts Project performance while meeting Deputy Commissioner, Chuadanga at his office.



Honb'le Prime Minister of Bangladesh Sheikh Hasina delivers speech at the inaugural session of the Village Courts Conference 2012



Bird's eye view of audiences in Village Courts Conference 2012





Mr. Jahangir Kabir Nanak MP, State Minister for Ministry of Local Government and Secretary of LGD, Mr. Abu Alam Md. Shahid Khan offering awards to UP Chair for their outstanding performance in village court operations.

