

The Newsletter of AVCB Project

# Smile

Journey to facilitate justice for the poor

Issue-2

October 2012



Activating Village Courts in Bangladesh Project  
Local Government Division  
Ministry of Local Government, Rural Development and Cooperatives



Empowered lives.  
Resilient nations.



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## Editorial

Activating Village Courts in Bangladesh Project is entering the fourth year of its five-year interventions across 350 UPs in Bangladesh. The Local Government Division (LGD) of the Ministry of Local Government, Rural Development and Cooperatives (MoLGRD&C) is implementing the project with financial and technical assistance from the European Commission (EC) and the United Nations Development Program (UNDP) Bangladesh. The Project attempts to activate the existing village courts system in line with the legal framework established in 1976. Since the inception nearly five years ago, the Project has created momentum with tangible outputs and results. Two of the Project's most substantial achievements is the interest and demand it has generated at the community level with more people seeking justice services through village courts, as well as intensive efforts in policy reform process to make the village courts more accessible and efficient. The participation of the Honorable Prime Minister Sheikh Hasina in the first ever Village Courts Conference in 2012 marked another step forward for the Project as well as for the entire drive towards people's accessibility to local justice system.

Shortly following the 2011 Union Parishad elections, the Project undertook an enormous drive to orient the newly elected UP representatives, to ensure their absolute enthusiasm and wholehearted commitment towards serving people through village courts. This dynamism, coupled with their participation in the Village Courts Conference, contributed immensely in sustaining law and order at the community level and establishing peace and harmony through reduced disputes and conflict. The existence of functional village courts is diminishing local conflicts.

The current issue of the newsletter captures the progress of the Project and at the same time the circumstantial development relevant to activating village courts in Bangladesh. This includes the progress of the component-wise interventions, as well as broader sensitization efforts among community members about village courts service. The continuous demands from UPs outside the project areas for technical support from the Project demonstrate the success of the Project's sensitization efforts. Mainstreaming the village courts within the existing government structure was another remarkable procedural progress for this Project. The implementing ministry demonstrated profound interest in activating village courts not only through this Project intervention but deemed this justice service to be a critical part of the broader governance framework and instructed the relevant training institutions to incorporate the village courts agenda in the training for UP representatives. Furthermore, performance of village courts is one of the criteria for obtaining performance-based block grant for UPs under broader Local Governance Support Programme (LGSP).

Apart from benefiting the rural community through the delivery of direct justice services, the activated village courts are also lessening backlogs in the district courts. The district courts have started forwarding cases to village courts, which fall under village court jurisdiction, for expeditious disposal.

In this newsletter, we are proud to share the aforesaid accomplishments reflecting different activities of the project. We believe this issue will provide valuable information to interested readers, researchers, scholars and local justice practitioners.



## PROJECT BRIEF

### Activating Village Courts in Bangladesh Project

#### Background

In line with ensuring good governance, efficient and stable justice sector is indeed inevitable. In this context, Bangladesh is under tremendous pressure with much workload and inadequate number of officials and staff to dispose the cases. Consequently, the case backlogs add up to the existing pending cases and at present it stands on about two million cases. It creates a negative impact for the rural poor and vulnerable group of people who cannot afford the expenses of cases and do not have clear understanding of how to get access to justice in the upper courts on some issues that could be easily resolved at the local level. In this backdrop, Local Government Division (LGD), Ministry of Local Government, Rural Development and Cooperatives (MoGRDC) has initiated a project BGD/07/007 'Activating Village Courts in Bangladesh' with the partnership of UNDP and European Union (EU) Bangladesh. The project supports in strengthening the justice system through activating Village Courts in 350 selected Union Parishads (UP) in the country. It also intends to develop capacity of the Village Courts (VC) members, elected representatives and other relevant officials in a bid to run the VCs smoothly. It also carries out comprehensive advocacy activities to involve the community and other key stakeholders actively in efforts to activating the Village Courts through enhancing their awareness on legal rights and overall justice system.

#### Objectives

##### *i. Overall*

The project aims at strengthening a system of alternative dispute resolution in 350 Union Parishads (UP) through the establishment of village courts. It intends to improve access to justice for disadvantaged and marginalized groups and enhance human rights systems and processes in Bangladesh.

##### *ii. Specific*

- ❑ To empower women, the poor and disadvantaged groups to seek remedies for injustices, and to enable justice institutions to be responsive to claims.
- ❑ To promote and protect human rights security through a human rights-based approach to development in programming and delivery.
- ❑ To empower citizens to resolve their disputes at the local level in an expeditious, transparent and affordable manner.
- ❑ To strengthen local government institutions to be responsive to local needs and offer approach legal service through well-functioning Village Courts.

### Project Components

#### Review of Legal Framework Component

The existing legal framework is the Village Courts Act 2006, which describes the function of a Village Court, its jurisdiction and the formation process. The Act was formulated in order to resolve applicable disputes quickly and easily within the jurisdiction of the UP. The Review of Legal Framework Component is a key component of the Project and works to review the existing legal framework of VC. Under this component, the main activities are assessments, consultations, advocacy seminars and policy dialogues with relevant stakeholders, both at the national and local level. These activities facilitate the review and amendment process and create wider awareness about the benefits of Village Courts in regards to accessing local justice services and improving the



overall human rights situation in the country. The Project also assesses the justice service delivery to disadvantaged groups.

### Capacity Development Component

The capacity development of UP representatives, UP staff and Village Police is one of the major objectives of the Project. The Project takes a two-pronged implementation strategy. The first strategy focuses on centralized and long-term capacity development interventions, such as developing training manuals and materials, conducting Training-of-Trainer (ToT) sessions, integration of Village Courts issues in the curricula of Government training institutes, and developing knowledge products and materials. The second approach focuses on operational capacity development interventions, such as providing capacity development training to all UP representatives, UP staff, Village Police and qualified citizens in the Project's operational areas.

The Project works to develop partnerships with different GoB training institutes, such as BCSAA, BPATC, JATI, NILG, Police Academy (PA) and Police Staff College, to integrate VC issues into their respective curricula and to organise regular training sessions on VC issues.

### Advocacy and Communications Component

Raising awareness about the role and function of Village Courts is an important objective of the AVCB Project. The Project conducts a comprehensive awareness raising and sensitization programme on legal rights, both at local and national levels. The Project uses advocacy tools, such as dialogues, workshops, seminars, theatre, community mobilization, and networking, to raise awareness among target groups about the role and function of Village Courts and their importance in ensuring access to justice for the poor and vulnerable. The Project conducts motivational campaigns among community based organizations, school teachers, religious leaders, and youth groups and encourages them to disseminate knowledge about VCs to the wider public in order to promote access to justice.

### Monitoring and Evaluation Component

There are two streams of M&E in the Project. The first is focused on institutional monitoring, and aims to enhance the monitoring and supervision function within the LGD of the MoLGLR&C. The second focuses on the Project, to monitor the field-level implementation of Project activities and assess the changes brought about by the Project.

### Outputs of the Project

- ❑ 350 selected UPs strengthened for activating Village Courts;
- ❑ Enhanced the monitoring and supervision function of the Local Government Division, the MoLGRD&C;
- ❑ Developed the capacity and knowledge of UP representatives, UP staff and Village Police with regard to Village Courts;
- ❑ Awareness raised about Village Courts functions and operations;
- ❑ Reviewed Village Courts legal framework.

### Snapshot of Project Achievements

- ❑ Revised non-prescribed forms and supplied VC forms and registers to 350 UPs to document the VC proceedings;
- ❑ 350 UPs are properly set up with *Ejlas* (court bench), furniture, VC forms and registers, knowledgeable UP Chairmen and Secretaries;
- ❑ 338 UPs have 338 skilled Court Assistants to document Village Courts proceedings;
- ❑ Organized project reflection workshops and project coordination meeting;
- ❑ Extended the contracts of four NGOs, which have been providing support in building capacity of Union Parishads and creating demand for Village Courts;
- ❑ Carried out PSC (Project Steering Committee) and PIC (Project Implementation Committee) meetings;
- ❑ The following Government Orders (GOs) were issued by the LGD for activating and mainstreaming village courts across the country:



- ◆ Letter to DCs instructing them to incorporate village courts issues in all types of training provided to UP representatives and Secretaries;
- ◆ Letter to heads of government training institutes (e.g. NILG, BARD, RDA) to incorporate sessions on village courts in the training provided to UP representatives;
- ◆ Letter to Divisional Commissioners instructing them to promote village courts;
- ◆ Letter to all UP Chairmen instructing them to conduct village courts as per the Act and informing them about the linkage with LGSP;
- ◆ Letter to local administration instructing them to allocate 1-2 days per week for village courts in each UP;
- ◆ GO issued for the formation and activation of Village Courts Management Committee (VCMCs) at upazila and district level;
- ◆ GO issued to decentralize the monitoring, inspection and evaluation system;
- Completed the capacity assessment of MIE Wing of LGD with regard to VCs and the report is in place;
- Developed decentralized monitoring, inspection and evaluation system to monitor VC performance;
- Formed 52 upazila and 12 district VCMCs;
- Developed Guidelines on VCMC and provided orientation on the Guidelines to district and upazila level GOB officials;
- Completed 'Impact Baseline' and 'Evaluation of VC performance' studies;
- Developed the necessary evaluation criteria including guideline for awarding UP chairman on VCs performance;
- Published Annual report 2011;
- NILG made Village Courts training a part of their core curriculum;
- Developed, printed and disseminated training materials such as Training Manual on Village Courts, Training Flip Charts, Flash Cards on Gender and VCs Learning Process Chart;
- Conducted two ToT refreshers in which 50 field staffs participated;
- Conducted three day-long Training Workshops on Gender, Human Rights and VC issues, in which 185 government officials and other relevant VC stakeholders participated;
- Increased knowledge of 5,070 UP representatives and VCs officials, 1,388 Village Police and 11,286 community members on VCs and its function;
- Developed and placed 350 citizen charter boards in 350 UPs;
- Developed and disseminated 30,000 copies of Bengali booklets on Village Courts, 2,000 copies of Bengali Wall Calendar and 1500 of Diaries;
- One minute TV spot aired on BTV and RTV;
- Carried out 21,465 Courtyard meetings, 517 street dramas, 830 rallies and 2,953 workshops to inform community members about VCs and its function;
- Journalists were sensitized through one national and one district level workshop;
- Sensitized 1,566 religious leaders and 1,739 women leaders on VCs and its function;
- Held the Village Courts Conference from 9-10 June 2012, inaugurated by the Honorable Prime Minister Sheikh Hasina, which created national awareness on VC issues and increased interest from all corners in advancing Village Courts in a sustainable manner across the country;
- Increased significantly the sense of ownership of VC amongst UP representatives, district and sub-district level GoB officials. Now UP Chairmen are more positive towards running Village Courts and regularly sit at least once a week to resolve the disputes through Village Courts;
- The Cabinet Division has approved in principal the draft Amendment Bill on Village Court Act, keeping all the proposed recommendations made by the Project. The amendment will remove inconsistencies with



the provisions of the Cr.P.C, enhance pecuniary jurisdiction of VC, introduce an ADR mechanism, impose a time limit for filing and disposal of cases, reduce the tendency to bypass VC and file cases with Police Stations, empower VC to enforce their decisions and make VC more pro-women and proactive to protect women and children's rights;

- ❑ Quick Reference Decision Guide for VC Official and Easy Reference Guide for Villagers have already been prepared and obtained LGD approval;
- ❑ Published study report on Review of Social Barriers and Limitations of Village Courts;
- ❑ Published report on Review of Village Courts Legal Framework;
- ❑ Published and distributed Village Court Book with Interpretation -Shohoj Gram Adalat Ain (Easy Village Court Law);

### **Cabinet Approval of 'Village Court (amendment) Act 2012' Proposal**

The Cabinet approved in principle the draft of the 'Village Court (amendment) Act 2012' on October 22, 2012. This is one of the primary achievements of Activating Village Courts in Bangladesh Project and was the result of several national and local level consultations, i.e. comprehensive policy advocacy efforts. After this amendment, the Village Courts will be more empowered to offer justice services at the rural level in a very efficient manner. The amendment includes increasing the financial jurisdiction of Village Courts from BDT 25,000.00 to 75,000.00. One of the key inclusions in this amendment is provision of a compulsory female representative in the five member panel of Village Courts. The amendment also made the provision of a fine of BDT 2,000.00 for filing false cases and BDT 1,000.00 for showing disrespect to the Village Courts.

The amendment proposal has already drawn praise from the UP Chairman and other key actors, as it was a long awaited demand from all corners to empower the Village Courts Act to activate Village Courts effectively. Meanwhile, the media (both electronic and print) covered the amendment news widely including BBC ([http://www.bbc.co.uk/mediaselector/check/bengali/meta/tx/bengali\\_1330?size=au&bgc=990000&lang=bn&nbwm=1](http://www.bbc.co.uk/mediaselector/check/bengali/meta/tx/bengali_1330?size=au&bgc=990000&lang=bn&nbwm=1)).

### **EU Ambassador Applauds Village Courts**

Ambassador and Head of Delegations of the European Union (EU) to Bangladesh H.E. Mr. William Hanna praised the on-going activities of the Village Courts project in bringing justice to the doorsteps of the rural people while visiting Bhangni UP of Mithapukur Upazila in Rangpur District on October 4, 2012. He expressed his support for the project while observing the on-going trial session of a Village Court.

The EU Ambassador had also a fruitful meeting with the Divisional Commissioner of Rangpur Division, Deputy Commissioner of Rangpur, District and UNO of Mithapukur Upazila about the on-going activities of the Village Courts Project.



They informed him how people are getting justice services with low cost and in less time, which substantially contributes to the reduction of the backlog of cases in the higher courts. He also visited Bhangni UP and had discussions with the UP Chairman Mr. Tazul Islam Sarker, UP members, panel members of the Village Court and shared views with the beneficiaries. Later on, the Ambassador observed a courtyard meeting at Koshba Noorpur village of the same union and

talked to the participants who expressed their satisfaction with the services and functions of village courts in ensuring affordable justice fairly without facing any hassles. Mr. Luc Patzelt, Programme Manager, EU Delegation, Ms. Young Hong, Assistant Country Director of UNDP, and Mr. Sarder M. Asaduzzaman, Project Manager, AVCB project accompanied the EU Ambassador during the visit.

### **Sheikh Hasina Stressed the Importance of Making Village Courts Functional Across the Country**

The Honorable Prime Minister Sheikh Hasina stressed the importance of making Village Courts functional all over the country in order to widen

justice services to the rural people in an affordable and easy manner. 'The government is considering appointing a judicial assistant to each union



parishad (UP) across the country to help public representatives making the village court operational', she said while delivering speech as the Chief Guest at the inauguration program of the two-day long Village Courts Conference 2012 held from June 09-10, 2012 at Bangabandhu International Conference Centre, Dhaka, organized by AVCB project.

The broad objectives of the conference were to generate national level sensitization, create awareness about village courts and its function as well as the AVCB project, and encourage cross-sectional media coverage (print and electronic) to

Mr. Syed Ashrafur Islam, the Honourable Minister, MoLGRD&C and Mr. Jahangir Kabir Nanok MP, the Honourable State Minister, MoLGRD&C were present as Special Guests at the inaugural ceremony while Mr. Neal Walker, UN Resident Coordinator and UNDP Resident Representative and Mr. Milko van Gool, Charge d'affaires a.i., Delegation of the European Union to Bangladesh spoke at the occasion as the Guests of Honor.

Mr. Neal Walker said, "Justice is an essential public service. The State must provide the mechanism to effectively remedy the grievances of citizens, especially the poor and vulnerable groups who

often have no resource or knowledge to access to justice.

Therefore, the Village Court project is one such mechanism of the Government that brings justice to the doorstep of the people at low cost and in a reasonable timeframe. In short, addressing the issue of access to justice, and the creation of an enabling institutional environment based on democratic principles, becomes a fundamental component of any poverty alleviation strategy,"

The inaugural session also showed a live video conference of a trial session at the Village Court in a UP in Faridpur district in presence of the Hon'ble Prime Minister.

The two-day Conference also offered three comprehensive technical sessions entitled 'Sharing with UP Chairmen and Secretaries: Perspectives of Village Courts and Union



bring VC to the forefront of policy discussion. It also sought to initiate policy dialogue/discussion on village courts issues in the broader context of the question of access to justice and bring development partners, practitioners, academics, GoB officials on a shared platform to think constructively about village courts.



Parishads', 'The Village Courts Act 2006: The Role of Union Parishad in Implementation of the Act, the Enforcement and Necessity to Reform', and 'Access to Justice for Women and Marginalized Peoples: Perspectives of Village Courts'. The Honourable Deputy Speaker of Bangladesh Parliament, the Honourable State Minister of MoLGRD&C and MoWCA, Secretary, LGD attended different sessions. Among others Barrister Sara Hossain, Mr. Bikash Kumar Saha, Chief Metropolitan Magistrate, Dhaka, Mr. Shahdeen Malik, Director, School of Law, BRAC University, SM Kuddus Zaman, Special Officer (District Judge), Bangladesh Supreme Court, Prof. Mamtaz Begum, Chairman, Jatiya Mahila Sangstha and other dignitaries participated in working sessions.

The Conference also contained stall presentations by partners NGOs and projects, a video exhibition, photo and documentary shows and cultural events. A total of 1,000 participants, including 700 UP Chairmen and Secretaries participated in the Conference. In addition, law makers, government high officials, representatives from the UN and donor agencies, local government and judicial officials, leading civil society members, NGOs and the media attended the conference.

The event bridged the gap between national and local level concerns on village courts as both parties had the opportunity to share their relevant experiences on activating village courts. It also garnered attention for VC issues and increased interest from both the public and private sectors.

### Recommendations of the Village Courts Conference

A number of recommendations emerged through dialogues and discussions over the two day event. These include:

#### **Amendments to existing law, rules and regulations:**

Amendments are required to the existing law, rules and regulations pertaining to village courts to ensure greater efficiency and consistency in

running the courts. Many of the people involved in running village courts are unaware of the legal issues, judicial concepts and uses and this hinders the operation of the courts. There was a call to ensure women are represented in the constitution of village courts.

Existing rules on fines and compensation must be amended to increase the amount given to those



who are awarded damages. The current rules also need to be amended to enable the police to refer cases to the village courts rather than in the magistrate or higher court. This will help ease the case load in the formal courts and also ensure a more realistic chance of receiving justice for the vulnerable and marginalized groups with little access to formal justice.

### **Financial resource allocation and budgets of village courts:**

A commitment is required from the government for adequate financial resource allocation from the national budget in order to scale up the pilot village courts across the country. This will also help to ensure development partners can support the nationwide coverage of these local justice services.

A separate budget for village court activities is required to ensure that each court is adequately stocked with resources. Adequate remuneration for those involved in running the courts is critical to ensure efficiency and retention of key personnel. To this end a recommendation was

made to nationalize the position of Secretaries and promote their position to Class II officer. The UP Chairmen and their Secretaries have a myriad of responsibilities to balance in addition to their village court duties which poses another challenge to the activation and prioritization of VCs. As a result, this necessitates the position of a Court Assistant to ensure the smooth and efficient running of the village courts.

### **Transparency and accountability:**

Transparency and accountability are key concerns in the running of village courts. Suggestions were made to introduce annual reports as well as on-going monitoring of activities to ensure the courts are functioning as per their mandate.

### **Access to village courts:**

It is critical to ensuring Village Courts are gender-friendly and sensitive to the needs of vulnerable and poor people including women and children so that they can access justice. To this end a broader human rights framework should be upheld while justice service is rendered through village courts.

## **National Consultation on Role of Media in Activating Village Courts**

The Communication and Advocacy Component of the project organized a National Consultation on the Role of Media in Activating Village Courts on

April 18, 2012 at Ruposhi Bangla Hotel, Dhaka aiming to share the successes of Village Courts activities and involving media with the efforts in



activating village courts through enhancing the awareness and sensitization on VCs amongst journalists. Mr. Jahangir Kabir Nanok MP, the Honourable State Minister, MoLGRD&C, graced the consultation as the Chief Guest. H.E. Mr. William Hanna, Ambassador and Head of Delegation of the European Union to Bangladesh and Mr. Stefan Priesner, Country Director, UNDP Bangladesh were present as Special Guests while Mr. Dulal Chandra Biswas, Director General, Press Institute of Bangladesh (PIB) spoke as the Guest



of Honor at the Consultation. Mr. K M Mozammel Hoq, Additional Secretary, LGD, MoLGRD&C & National Project Director, AVCB project chaired the event.

The Chief Guest said, 'the Village Courts Act empowers the local government representatives and general people in intensifying the scopes of access to justice and strengthening local justice system. The main aim of the court is to take decision in a way so that it could ensure coexistence and mutual understanding between protestant and complainant to avoid further clash or dispute'. The Minister also suggested simplifying the language of the Village Court Act for easy understanding of rural people.

"Village Courts are shaped by the communities in which they belong to," said EU Ambassador William Hanna at the Consultation. "They are helping the justice system to reflect better the interests and perspectives of the communities it serves. At the same time they are helping to build strong, viable, accountable, effective and responsible local government in Bangladesh. The media can be crucial in encouraging people to make use of Village Courts, as well as in helping ensure the accountability of the justice system", he added.

Mr. Stefan Priesner, Country Director, UNDP Bangladesh said, there is plenty of potential for Village Courts in strengthening the local justice system in the country and media can have crucial role in promoting this Village Courts. 'In regards to boosting the awareness level of rural people and making analytical criticism of VC services, role of service providers including policy framework issues relating to VC, media should intervene profoundly as an instrumental watchdog', Mr. Stefan added at the event.

The Consultation highlighted the emergence of Village Courts, the progress and success stories, as well as the challenges, and the imperative necessity of media involvement. Meanwhile, journalists expressed their interest in promoting

Village Courts through their respective media. They also enriched the Consultation by providing valuable opinions and suggestions on how to activate the Village Courts effectively.

Mr. Aktar Uddin, Communication Officer, AVCB Project, UNDP delivered the keynote paper at the Consultation. Among others, Mr. Bikash Kumar Saha, Chief Metropolitan Magistrate, Dhaka, Dr. Shahdeen Malik, Director, School of Law, BRAC University spoke at the event as panelists. Mr. Manjurul Ahsan Bulbul, Editor-in-Chief & CEO, Baishakhi, moderated the technical session while Mr. Sarder M. Asaduzzaman, Project Manager, AVCB Project, gave vote of thanks at the event. About 100 national level senior journalists attended the Consultation. The policy makers, government high officials, representatives from the UN and donor agencies, elected local government representatives, local government officials, judicial officials, leading civil society members and NGOs also attended the event. The event garnered huge media coverage in both electronic and print media.

### Findings of the media workshop

- ❑ A common perception prevails among local journalists that news relating to village courts are not news worthy or of interest to their audience. To close the gap, initiatives should be taken to sensitize media gatekeepers.
- ❑ Journalists should be given assignments to cover the village courts' activities. Providing a schedule of court sessions would be helpful. This would allow the news editor/desk editor to assign a journalist to cover the case. Visits for journalists can also be organized.
- ❑ A well-functional reporting system can help free the village courts of corruption. Such a system should be established not for just the 350 unions but for all 4,500 unions.
- ❑ Fellowship for journalists focusing on VC and local justice issues could be considered in this regard.



- ❑ Furthermore, orientation for media gatekeepers should be organized to support the project to produce a compilation of success stories/case studies, which would be useful resource for journalists to make news stories/features by expanding upon specific cases.
- ❑ The ministry can provide journalists with detailed information on amendment of the Act which will help them to develop stories.
- ❑ As the local journalists, working in district and upazila level, are the nearest media actors to the village courts activities, focus should be given to mobilize them on village court issues. A tailored training package on village court can be developed and delivered to them which will lead to increased media coverage on the village courts process. In addition, journalists' visits to project locations can also promote village courts issues in the media.

### Informative and Awareness Workshops on Strengthening Sensitization and Involvement of the Stakeholders in Activating Village Courts

The project organized several district workshops on strengthening sensitization and involvement of the stakeholders on Village Courts. The project arranged the workshops, with the aim to involve the field level high and mid level government officials and other key stakeholders with the process of implementing the project activities through sensitizing them about the potentials in activating village courts. All the workshops highlighted VC issues from a country perspective,

Commissioners, SPs, ASPs, DDLG, senior and mid-level government officials, UNOs, ADCs, NDC, DD of Islamic Foundation, District Information Officer, district women and children affairs officer, women representatives and the media. Md. Aktar Uddin, Communication Officer, AVCB project delivered the key technical presentations at all the workshops.

Mr. K M Mozammel Hoq, National Project Director, Activating Village Courts Project & Additional Secretary, LGD, MoLGRD&C and Mr. Abu Tahir Muhammad Zaber, Senior Assistant Secretary, LGD attended in Chittagong and Cox's Bazar district workshops respectively. The National Project Director of AVCB said that the government has given much importance to activate the village courts enhancing good governance, welfare for the common and vulnerable people of the country. He called upon all the key stakeholders to come forward in activating Village Courts.



the needs and potential of VCs and how the stakeholders can have effective role in advancing VCs at the union level. The stakeholders took part in group discussions and presented their opinions on how to enhance their involvement and contribution to advance the village courts. The workshops were attended by Deputy

The discussants said that village courts can only be effective when all the stakeholders extend their utmost support as it needs to be based on social trust of the VC from all corners of the community. They also said that village courts have all potential to strengthen the local justice system through





ensuring fair justice. The DCs requested the UP Chairmen to conduct the activities of Village Courts following the pertinent law. In total 438 participants, including UP Chairmen, members, secretary, lawyers, teachers, NGO representatives, attended at the workshop.

### **Develop Decentralized Monitoring Inspection and Evaluation System**

An Institutional Capacity Assessment of the MIE Wing of LGD with regard to monitoring of VC performance has been completed aiming to strengthen the Monitoring, Inspection and Evaluation procedures within the LGD. Based on



assessment findings and consultations with different stakeholders, including the Secretary, LGD, a decentralized Monitoring, Inspection and Evaluation system has been developed. The decentralized Monitoring, Inspection and Evaluation system would be tested on a pilot basis in 15 selected unions. The objectives of piloting the decentralized system are to pre-test the concept in the field before implementing it countrywide and to identify the unanticipated problems and bottlenecks in such a monitoring system.

### **Formation of Village Court Management Committee**

Following the Institutional Capacity Assessment of MIE Wing of LGD with regard to monitoring of VC performance, Village Courts Management Committees (VCMC) have been formed at the district and upazila level. District VCMC are formed comprising of Deputy Commissioner, Superintendent of Police, Chairman (Upazila Parishad), DDLG, UNO, NGO representative, civil society representative, media representative and District Women Affairs Officer. Similarly Upazila VCMC are composed of UNO, Judicial Magistrate, OC, UP Chairmen, UP women member, NGO representative, Civil society representative, media representative, Upazila Women Affairs Officer and Upazila Social Services Officer. Guidelines for VCMC, highlighting the roles and responsibilities of the VCMC formation process and reporting mechanisms, have also been developed. Meanwhile 10 district (out of 14) and 52 (out of 57) upazila level VCMC have already been formed.

### **Orientation Workshop on Village Courts Management Committee**

Activating Village Courts in Bangladesh Project organized a day-long orientation workshop on VCMC at the Ruposhi Bangla Hotel in Dhaka on November 26, 2012. The objective of the workshop was to orient DDLGs and UNOs on the functions, responsibilities of VCMC, piloting of decentralized MIE system and the selection process of best union parishad regarding the activation of Village Courts. Mr. Abu Alam Md. Shahid Khan, Secretary, LGD, MoLGRD&C graced the workshop as the Chief Guest while Ms. Won Young Hong, Assistant Country Director, UNDP was present as the special guest. Mr. K M Mozammel Hoq, Additional Secretary, LGD, MoLGRD&C and National Project Director of AVCB chaired the event and Mr. Sarder M Asaduzzaman, Project Manager, AVCB Project, UNDP delivered the welcome speech.



The Secretary emphasized on the significance of functional Village Courts in providing legal services for the vulnerable and marginalized people, specifically for women in the rural areas. He also stressed the need for active involvement of GoB officials at different levels.

The working sessions were conducted by Mr. K M Mozammel Hoq and Mr. Swapan Kumar Sarker, Director General, MIE, LGD. A total of 115 participants, including DDLGs from 14 districts and UNOs from 57 Upazillas, project officials, and representatives from partner NGOs, participated in the workshop.

### Training to the field staff on M&E

A three-day long residential training workshop on M&E was held at WAVE Foundation training center, Chuadanga from 21-24 April 2012. A total of 24 CSO staff including M&E Coordinators, M&E officers and Project Coordinators of four CSOs working in Chittagong, Dhaka, Khulna and Rangpur divisions attended the training workshop. The workshop enhanced the knowledge and skill of CSOs staff on the reporting system, tools and techniques and the M&E system of Village Courts.

### Monitoring of field level activities

During the reporting period, the AVCB project's M&E team made monitoring visits to Faridpur, Chittagong, Cox's Bazaar and Narail districts. The findings were shared with CSOs and PMT through de-briefing sessions and reports.

## Evaluation of Village Court performance at beneficiary end

The AVCB project commissioned a study entitled 'Evaluation of Village Courts Performance at Beneficiary End' by an independent consulting firm. The study took interviews of 360 service recipients (180 petitioners and 180 respondents) in 27 Unions of 20 Upazilas in the seven districts under the working areas of Dhaka and Rangpur division. Interviews with 1,183 community members took place. In addition, 27 FGDs and 15 Case Studies were conducted. The objective of the study was to evaluate Village Courts performance from the community perspective. The key findings of the studies are given below:

- ❑ Among the service recipients, 68% were satisfied with the VC decision. They considered transparency (74%), fairness (96%), lower costs (95%), and prompt and quick decision-making process (47%) as the reasons behind their satisfaction.
- ❑ According to both petitioners and respondents, VC officials followed VC guidelines such as assigning an investigation person, sending notice, selecting nominees by petitioners and respondents, hearing the statement of the complainant and accused, questioning the witness thoroughly in order to resolve the dispute with fair and transparent judgment;
- ❑ 52% of citizens knew about VCs which was 23% in baseline.
- ❑ 35% of citizens informed others about VCs.

Another study entitled "Impact Baseline Study" was completed through an independent consulting firm. It was conducted in the working areas of Dhaka, Rangpur, Chittagong and Khulna divisions using qualitative methods such as FGD, Case Study, Key Informant Interview and massive document review at the district and chief judicial magistrate courts. The objective of the study was to examine the incidence of human rights violations within the jurisdiction of VC, related to petty criminal and civil matters, and the status of the case backlog in the district and chief judicial magistrate courts under the operation areas of AVCB project.



## Village Courts TV Spot Goes on Air in TV Channels

The one minute TV spot on Village Courts was broadcasted on BTV and in process to be broadcasted on RTV from November 2012. The mass media production created huge interest in rural areas towards VCs.

## Status of Village Courts Performance

The Village Courts are functional in 350 UPs and provide legal service to rural communities. The table below shows that a total of 17,334 cases were reported to the Village Courts from October 2011 to September 2012, although the number of cases varied between districts. The highest number of cases were reported in Kishoreganj (2,326), followed by Nilphamari district (2,109), Lalmonirhat (2,095) and so on. Of these reported cases, decisions on 13,812 (80%) have already been made by Village Courts. The decisions of

11,063 cases (80%) have already been implemented. Monthly Village Courts performance reports also show that many women visited UPs to seek remedies through Village Courts, as 5,383 women filed cases (31% of all cases). Also 4,377 decisions, or 32%, brought direct benefits to women petitioners.



**Table: Number of case reported, resolved and decision implemented by districts (October 2011- September 2012)**

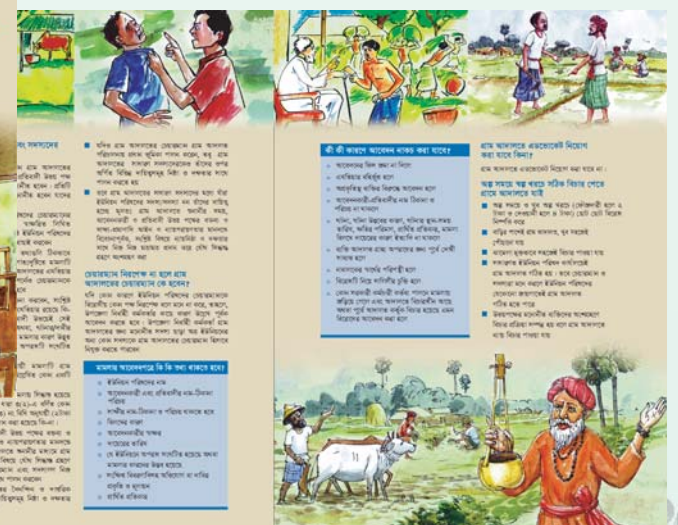
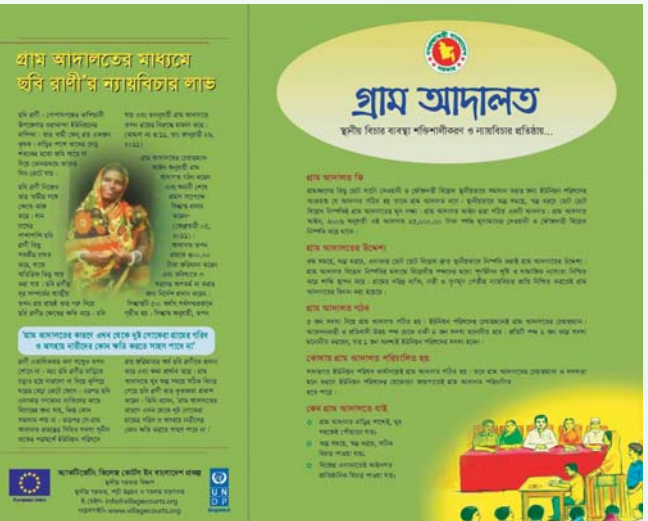
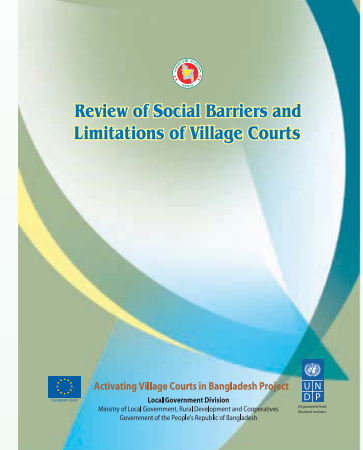
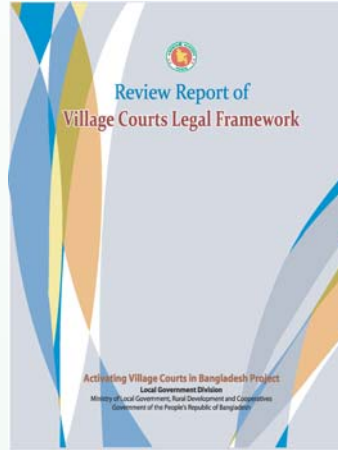
Division	District	Number of cases referred from District Courts	Number of case reported directly to Village Courts	Number of case resolved	Number of VC decision implemented
Dhaka	Faridpur	222	1,898	1,765	1,368
	Gopalganj	51	1,554	1,405	1,019
	Kishoregonj	83	2,326	1,894	1,187
	Rajbari	107	1,499	1,348	987
Chittagong	Chittagong	46	1,248	606	534
	Cox's Bazar	26	1,249	543	492
Khulna	Chuadanga	23	674	482	481
	Magura	7	600	423	983
	Narail	1	425	306	221
Rangpur	Rangpur	156	1,657	1,389	1,268
	Lalmonirhat	155	2,095	1,824	1,500
	Nilphamari	118	2,109	1,827	1,623
<b>Grand Total</b>		<b>995</b>	<b>17,334</b>	<b>13,812</b>	<b>11,063</b>



## Developed Several IEC/BCC Materials

In keeping with the endeavors to promote Village Courts, the project developed several IEC materials, i.e. booklet, leaflet, newsletter, festoons with the messages of village courts, Bengali Calendars, New Year Greetings Cards, and Bengali Greetings Cards.

The project also prepared 350 Mini Citizen Charter Boards with messages of VCs and installed them in all UPs in the project's working area.



### 3rd PSC Meeting of Village Courts Project

The project steering committee (PSC), the highest body of the project, headed by the Secretary of MoLGRD&C which provides board-based oversight policy guidelines and direction for the Project, had its 3rd meeting on the August 14, 2012. The steering committee members were updated about the Project by the National Project director at both meetings. At the PSC meeting, representatives from EU and the UNDP Country Director were present and gave some specific suggestions to the Project.

### 6th PIC meeting of Village Courts Project

The 6th Project Implementation Committee (PIC) Meeting of Village Courts Project was held on February 19, 2012 at the LGD, MoLGRD&C. Mr. K M Mozammel Hoq presided over the meeting. Mr. Sarder M. Asaduzzaman updated the PIC members on the progress of the project, including updates from the last PIC meeting. The meeting covered TPP revision, the status of VCMCs at the district and Upazila levels and the provision of support to non-intervention areas. The PIC members praised the on-going progress of the project activities.

Among others, Ms Shamima Nargis, Joint Secretary, LGD, MoLGRD&C; Mr. Abu Tahir Md. Zaber, Senior Assistant Secretary, LGD, MoLGRD&C; Mr. Md. Mujibur Rahman, Senior Assistant Secretary, Law and Justice Division, MoPA, Mr. Md. Abdur Rouf, Deputy Chief, LGD; Mr. Mahbubul Haque Patwary, Deputy Chief, ERD; Ms. Sabiha Pervin, Deputy Secretary, Cabinet Division; Mr. Md Hasanur Rahman, Director General, IMED; Ms. Young Hong, Assistant Country Director, UNDP attended the meeting.

### Refresher TOT on VC Documentation

The project conducted two four-day long ToT refreshers in collaboration with NILG from 5-8 August and 23-26 September, 2012 at NILG, Dhaka. The courses were attended by 50 senior staff members from partner NGOs. The refresher ToTs were inaugurated by Mr. K M Mozammel Hoq as the chief guest. Mr. Kabir M Ashraf Alam, Additional Secretary and Director General of NILG, other officials of LGD and NILG, AVCB project and external resource persons also attended the inaugural session. The ToT courses were mostly focused on VC documentation, i.e. VC forms and format, order sheets etc.



## Workshops on Gender, Human Rights and Village Courts

The project organized two workshops on gender, human rights and Village Courts issues for building capacity of District and Upazila Women & Children Affairs Officers, officials of the judiciary, administration and police, UP officials and women leaders, held at Chuadanga and Magura on January 31 and February 09, 2012 respectively. The overall objective of the workshops was to enhance the capacity of the relevant stakeholders by developing their knowledge and skills on gender, female empowerment, human rights and VC legal issues for an improved engagement of women and children to make use of VC services and to facilitate the establishment of a gender sensitive VC system. 130 participants, including 49 women, took part in the training workshops.



22 October 2012, with an agenda to ensure stronger coordination, devise a follow up plan to monitor visit findings, develop a common understanding on the quality outputs and facilitate a sense of common purpose amongst the stakeholders (Project team, NGOs, GOB, and

UNDP). The workshop sought to create a common understanding by sharing periodic progress, achievements and experiences learned from the field.

## 3rd Project Reflection Workshop

The project organized the third Project Reflection Workshop at the Officers' Club in Dhaka on 21 and



Mr. Swapan Kumar Sarker attended the Workshop as Chief Guest and Mr. Salahuddin Khan, Programme Analyst, Democratic Governance UNDP was present as Special Guest. Mr. Abu Taher Md. Zaber, Senior Assistant Secretary-UP, LGD Chaired the meeting. Representatives from NGOs engaged in helping LGD for grassroots level capacity building, social mobilization in 4 divisions and the project management team took part in the workshop and shared their knowledge on ways to rebuild people's confidence in village courts and based on field experiences regarding multi-stakeholders involvement.



### Inter-division learning Visit for Field Staff

The first inter-division learning visit was held in Rangpur in Sadar and Mithapukur Upazilla from 17-20 July 2012, hosted by ESDO. Twenty-one staff members from 3 NGOs (BLAST, MLAA and WAVE foundation) with different portfolios took part in the event. The overall objective of the learning visit was to create a common understanding about quality outputs of the project activities. At the end of the visit, each organization shared what they had learnt and prepared their own plan of action in light of the reporting framework, led by the project coordinators. The visiting organizations also provided constructive guidance to the host organization to improve their existing work. Each organization integrated what they learnt in their ongoing work plan and changes were being monitored by the project coordinators of the partner NGOs as well as AVCB staff.

### Partners Coordination Meeting

The NGO coordination meeting was organized in May 2012 with the four partner NGOs where Project Coordinators, Monitoring Coordinators and finance officers took part. These meetings are regularly arranged to address the following issues:

- ❑ Ensuring the quality of activities;
- ❑ Finding out the deviation between target and achievement;
- ❑ Ensuring uniformity in implementation; and
- ❑ Finding out the need and support of Village Courts team members and GoB.

### Village Courts Project Observed International Women's Day

Activating Village Courts in Bangladesh Project observed International Women's Day 2012 with different programs across its intervention areas. The programs included rallies, essay writing competitions, poetry recitations, seminars and

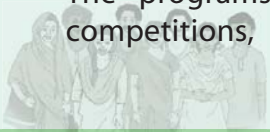
debate competitions, which took place in 12 districts. The events focused on issues of female empowerment and equal rights, including greater access to local justice through Village Courts.

### UNDP Country Director Visits Village Courts in Kishoreganj

Mr. Stefan Priesner, Country Director (CD), UNDP Bangladesh spoke on the profound importance of Village Courts in delivering justice services at the rural level especially for the disadvantaged people, while visiting Masua and Achmita Union Parishads of Kotiadi Upazila in Kishoreganj on 27 September 2012. The Country Director shared views with the beneficiaries, who expressed their feelings that if they lodged their cases to higher courts it would have been unaffordable and taken too long, whereas they received justice through



Village Courts at a minimal price and in speedy time. He also talked to the respective UP Chairman, Panel Members and other officials. The UP Chairman updated him about the current Village Courts case statistics of the UP, moreover he informed him about the ratio of the resolved cases in Masua UP, which is higher than other UPs in Kotiadi Upazila. The Country Director also observed a Village Court session at Masua UP and a Court Yard Meeting on VC at Achmita UP. He shared views with the participants of the Court Yard Meeting on the services of Village Courts. Mr. Sarder M Asaduzzaman, Project Manager, AVCB and other UNDP and project officials accompanied the CD during his visit.





### **Workshop on Amalgamation of Arbitration Council with Village Courts in Cox's Bazar**

Activating Village Courts in Bangladesh Project organized a workshop with judicial officers on the Amalgamation of Arbitration Council with Village Courts held at Hotel Uni Resort, Cox's Bazar on February 14, 2012. Ms. Rokeya Begum, Tribunal Judge of Cox's Bazar graced the workshop as the Chief Guest while Mr. Mukter Ahmed, District and Sessions Judge, Cox's Bazar presided over the event. Mr. Sayed Humayun Azad, Chief Judicial Magistrate of Cox's Bazar was the Special Guest of the Workshop. The basic objective of the

workshop was to solicit views from the VC officials, representatives of Upazila Parishads and District Councils, Judges, Judicial Magistrates, officers of administration, police and others regarding necessity of amalgamation of the Arbitration Council with village courts and the legal viability of such amalgamation.

Around 24 participants attended the workshop including respective District Joint Judges, Senior Judicial Magistrates, Assistant Judges, Secretary and President of the District Bar Association, police officers, elected local government representatives and others. Mr. Mahboob Murshed, Legal Expert, AVCB project presented the key note paper at the workshop.



### **4th EC-ROM Mission Visits the Village Courts Project**

The 4th EC-ROM mission visited the VC Project activities from September 02 to 06, 2012. Ms. Britta Madsen, representative of EC-ROM mission took part in several meetings with the project team, UNDP senior management, LGD officials and paid visits to project intervention areas of Rajbari, Faridpur and Chuadanga. At the field level, the





mission also met with judicial officials, local administration, community, beneficiaries, UP officials and other stakeholders. The mission shared the findings of the visit in a debriefing meeting and pointed out the following successes of the project, along with some specific issues and recommendations.

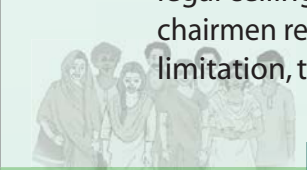
- ❑ The project continues to be highly effective and is considered a model for replication on the national level.
- ❑ The awareness raising and capacity building activities and the establishment of Community Based Organizations (CBOs) have been effective, although not all respondents to the Impact Baseline Survey could describe the functions of the VCs correctly.
- ❑ While the knowledge of UP chairmen and Upazilla Nirbahi Officers (UNOs) about VCs is excellent, it was noted that the judiciary at the local level needs more capacity building.
- ❑ The most important factor hampering access by the population to the VC is the unrealistic financial ceiling of 25,000 BDT. Most cases are related to land grabbing and exceed by far the legal ceiling stipulated in the VC Act. UP chairmen reported that as a consequence of this limitation, the VC can only hear 40% of cases

brought to its attention, while the other 60% of cases have to be mediated outside the VC.

- ❑ The level of satisfaction of beneficiaries with VC decisions is also very high.
- ❑ The project has a significant impact in its target areas. According to the recent Impact Baseline Study, the overwhelming majority of poor and disadvantaged respondents confirmed that they have a functioning VC in their area.
- ❑ Local authorities stated that the VCs also serve as a conflict prevention mechanism, because of their speedy decisions and the satisfaction of disputing parties with those decisions.
- ❑ Chairmen of UPs not covered by the project have approached the implementing NGOs for information and advice.



- ❑ The project's sustainability potential is very good. The maintenance costs of equipment provided is low costs and the services of the VCs will continue to be affordable, as the fees of 2 BDT for civil cases and 4 BDT for criminal cases is only likely to increase within a limit acceptable to beneficiaries and will still be a lot cheaper than using the official justice system.



- ❑ The project is completely embedded in local UP structures, based on a law and government orders.
- ❑ The endorsement of and support to the project expressed by the Prime Minister at the VC conference in June 2012 and the related media coverage was very significant in raising awareness about VCs at the national level. The LGD has attached increasing importance to the VCs, by issuing an order in March 2012 on the obligatory establishment of Village Court Management Committees (VCMC) in district and sub-districts throughout the country. Additionally, the National Institution for Local Government (NILG) has included VCs in their curriculum.
- ❑ External factors which might hamper the project's impact are a delay in the approval of the revised VC Act by Parliament and political polarization on the local level. Stakeholders in Khulna division reported that pre-electoral violence in 2013 is expected to affect the functioning of VC.

#### **Recommendation of EC-ROM mission:**

- ❑ This is a successful model project and extension to the national level is desirable.
- ❑ EU can consider a no-cost extension of the project for one year till the end of 2014. This would provide the opportunity to extend the project to other UPs.
- ❑ LGD/PMT should decide which position assigned to the UP administration will cover the tasks of the VC assistant.
- ❑ LGD/PMT should propose to national budget authorities an adequate budget allocation for the UPs to manage the increasing caseload of the VCs, in case the VC Act is amended, including adequate remuneration for the Village Police, who have to distribute the summons.
- ❑ LGD should advocate with the Cabinet that the revised VC Act is submitted to Parliament as soon as possible.
- ❑ PMT should coordinate with UNDP's Access to Justice project and the Ministry of Law on the record keeping of VC cases at the Assistant Judges' Courts and Chief Judicial Magistrates' Court.



## A Success Case Story

### Taslima Begum got justice at Village Courts

#### Personal Information

Name	:	Taslima Begum
Age	:	47
Union	:	Rupapat
Upazila	:	Boalmari
District	:	Faridpur

Ms. Taslima Begum (47), a housewife, was assaulted by her relative, who lived nearby. The Village Court ensured justice at a lower cost and in a short period of time. Taslima Begum, lives in the village Deuli in Faridpur district, with her husband Mr. Soleman Sheikh who is a farmer and the family's sole breadwinner. The family of eight - they have five daughters and a son - live next door to the defendant in the case, Mr. Md Kayes Sheikh. On 15 December 2011 both the parties were involved in a quarrel over the issue of

boundary line of their household. They used abusive words and at one stage the, Md. Kayes Sheikh, assaulted Taslima Begum. Her family members took her to the doctor for treatment. The family wanted to go to the police station to file a case but were afraid of the cost. But Taslima Begum had come to know about the Village Court through a courtyard meeting and so she decided to go to Village Court instead of police station.

She filed a criminal case on 17 December 2012 at Rupapat Union Parishad (UP). The UP Chair, Md. Azizar Rahman Molla, examined the application and accepted it. A summon was issued to the opponent by the village court assistant (VCA) and both parties were present on the scheduled date and nominated their representatives to form Village Court panel. Taslima Begum nominated an elected member of ward no. 04 and a community member of her village. The opponent also nominated an elected member of ward no. 03 and a member of the local elite of his village. The Court was formed on 29 December 2011. The opponent did not submit any objection letter. The court convened on 4th January 2012. Both the applicant and the opponent, and their witnesses delivered their statements to the open court. The panel heard both the parties and properly documented all the statements.

Following the hearing, the village court declared its unanimous decision by a 5:0 vote that the opponent will pay tk. 1,500 to the applicant within 7 days. The opponent deposited Tk. 1,500/- on 11 January 2012 which was handed over to the applicant on the same day. In the follow up of the case, the applicant, Taslima Begum, said that it was almost impossible for her to go to the district court to file a case. As the Village Court is near their home, it became easier to go there to seek justice. She is happy with the decision of village court and its implementation. The opponent also expressed his satisfaction and that had the case been filed in the higher court, he would have been harassed and faced extra hassles.



## Grass roots level awareness raising, capacity building initiatives till September 2012

Grass roots level awareness raising and capacity building initiatives till September 2012				
Activity	# of event	Number of participants		
		Male	Female	Total
A. Awareness raising activities				
1. Organize mediation workshop	1,871	29,021	18,903	47,924
2. Conduct sensitization workshops at upazila and union level	431	15,278	8,238	23,516
3. Conduct experience sharing meeting with UP	1,046	16,394	3,909	20,303
4. Conduct meeting with DDLG	77	373	108	481
5. Organize Youth Workshop	855	23,196	19,185	42,381
6. Organize Rally	1,044	-	-	264,100
7. Stage drama show	1,032	-	-	1,428,712
8. Conduct Courtyard meeting	40,361	190,697	62,2642	813,339
9. Conduct Community Based Organization (CBO) meeting	28,448	179,625	129,676	309,301
B. Capacity building activities				
1. Provide training to UP representatives and officials	314	6,405	2,040	8,445
2. Provide training to CBO members	494	8,358	5,465	13,823
3. Provide training to religious leaders	83	2,426	-	2,426
4. Provide training to women leader on gender	124	0	3,164	3,164
5. Provide training to Village Police	108	2,962	30	2,992

Village Courts performance till September 2012			
Indicator	Male	Female	Total
Number of case filled	15,813	7,185	22,998
Number of case resolved	11,329	5,323	16,652
Number of VC decision implemented	8,491	4,117	12,608
Number of case referred from upper courts	-	-	1,354
Number of panel members	52,023	4,030	56,053



## Village Courts in Bangladesh: A Form of Restorative Justice

Sarder M. Asaduzzaman<sup>1</sup>

It is generally understood that the philosophy of access to justice is mostly rooted in the formal structure with designated roles as per the rules, procedures and arrangements for pertinent institutions, with policy frameworks, values etc. In order to ensure the rights and privileges of citizens, an effective and efficient judicial system is fundamental. However, the formal justice process in Bangladesh leads the disputant parties towards a win-lose situation. Although this process might settle a dispute but the inherent differences between the parties exist and the competing interests of the parties remain unresolved and the interpersonal relationship of the parties becomes more hardened leading further spiraling of conflict. Moreover, recourse to the formal legal system is costly, time consuming and difficult to access, particularly to the poor and the disadvantaged, which results in the huge backlog of cases. As reported by various studies with more than 2 million cases pending in the courts, and a ten to fifteen year backlog, the wait for justice can be a long one. The poor, with no available recourse to justice, therefore, look for alternatives to resolve their difficulties. Village Court is one of the alternatives rural poor community very often look for. It is run as per the Village Courts Act 2006 and Rules 1976. This article elaborates the nature and types of village courts with particular reference to the people's benefit and philosophy of peacebuilding.

Bangladesh has a long history of informal dispute resolution mechanisms with a varying degree of procedures: the traditional *shalish*<sup>2</sup>, NGO-reformed shalish and village courts are prime amongst them. Historically speaking, these mechanisms were not statutorily recognized. However, the introduction of the local government bodies paved the way for a statutory form of quasi-formal adjudication.

The first proposal for establishment of village level courts on a legal basis was made by the Fraser Commission Report, 1902-03. Later on, the Hobhouse Commission of 1907-09 and Levinge Committee of 1913 proposed the creation of village-level courts to handle minor cases amongst village people. Accordingly, the Bengal Village Self-Government Act, 1919 (Bengal Act V of 1919) was passed. This was the first law to empower a local government body to adjudicate criminal cases.

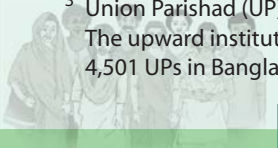
The Act established a 'union bench', corresponding to the present day village court, with concurrent jurisdiction with formal criminal courts to try petty criminal cases. Later on, in 1961, the Conciliation Courts Ordinance (Ordinance No. XLIV of 1961) was promulgated which empowered the 'union council' (local government) to deal with minor cognizable offences (section 3). This Ordinance was repealed by the promulgation of the Village Courts Ordinance, 1976 (Ordinance No. LXI of 1976) which was further repealed and replaced by the Village Courts Act, 2006 (Act No.19 of 2006).

This Act and the Village Courts Rules, 1976 regulate the formation, jurisdiction and functioning of the village courts which is an ad hoc forum for adjudicating minor disputes or conflicts in rural areas. In case of any dispute triable under this Ordinance any of the disputant parties can apply to the Chairman of the Union Parishad (UP)<sup>3</sup> for remedy through formation of a Village Court. A village courts is composed of the UP chairman and four representatives- two from each party, one of them being a member of the parishad. Moreover, the UP Chairman is generally the Chair of the Village Court. A Village Court is constituted and has jurisdiction to try a case only when the parties to the dispute reside within the

<sup>1</sup> The views expressed in this article are the writer's personal opinions.

<sup>2</sup> Shalish is a Bangla term, a traditional dispute resolution forum.

<sup>3</sup> Union Parishad (UP) is the lowest tier of local government system in Bangladesh where Chair and 12 members are elected by the constituency. The upward institutional arrangement is: Union Parishad, Upazila (Sub-district) Parishad, District, Division and Central Government; There are 4,501 UPs in Bangladesh.



limits of the union in which the offence has been committed or the cause of action has arisen.

Administratively, the nodal department in charge of UPs is the Local Government Division (LGD) of the Ministry of Local Government, Rural Development and Cooperatives. Village Court is also under the supervision of LGD, rather than of the Ministry of Law, Justice and Parliamentary Affairs while the formal courts and judicial process are connected with the latter Ministry. This placement reflects the distinctiveness of the village courts from the rest of the formal judicial system: Village Court is more local and less legal. Although village courts are a formally constituted judicial forum, their functioning is only semi-formal or quasi-formal since the technical rules of procedure, as prescribed by the Code of Criminal Procedure (Act V of 1898) and the Evidence Act (Act I of 1872) are not applicable (section 13(1)).

there is a scope of reconciliation in the Rules without constitution of village court (Village Courts Rule 33) and the Village Courts can't inflict any punishment in the decision of a case rather it can only pass order of compensation. The amount should be up to Tk. 25,000 (about US \$ 360) in a criminal case to an aggrieved person (Section 7(1)) and issue order to pay Tk. 25,000 (about US \$ 360) of return the property or possession of the same to its real owner. Furthermore, the appointment of legal practitioner is completely prohibited in a village court (Section 14). Since no technical laws of procedures and evidence are applied and no professional lawyers are present, it creates a space for the community to apply, to a great extent, community sentiments, understanding, values and preference in the decision making process. It focuses on the root causes of the disputes in participation of the nominated community representatives and looks for win-win solution so

that no spiral of further disputes takes place. The community has responsibilities for the situations that are causing or encouraging crime. Ideally, the restorative justice process can provide a catalyst and/or a forum for exploring and assigning these needs, responsibilities, and expectations, which is evident in the practice of village courts.

On the other hand, in the formal judicial process which is based more on retributive principles, the system requires the punishment of the offender, focusing on the law that



This Village Court follows a legal framework but the principles of restorative are reflected within its systems as outlined in the Act and Rules. The Village Courts process is perceived as largely informal in nature and participation of community is ensured through nominations by both parties including a community representative. Moreover,

has been violated, rather than taking into account the victim's interest or priority. This community participation in village court's judicial decision making process is more empowering for the local leaders, and works towards making the system more responsible and sensitive to their community building and social protection. The



open forum hearing system is helping to enhance increased sense of ownership over the local peace building process and promotion of communal harmony. The victims and offenders have an active role and right to participate in the choice of the adjudicators, since the parties themselves nominate four out of the five members of these fora. These positive effects are contributing towards minimizing social conflict, human rights violation and improving mutual respect to each other. The village courts process can successfully address the underlying problems that emerge as crime and dispute, rather than continuing the criminal justice system's focus on the offenders only. This wider and active participation promote agency among the community to handle their local disputes and thus transform their internal conflict in a more sustainable fashion.

render justice, set aside or modify the decision or refer the case back to the village court for reconsideration (section 8(3)). Notwithstanding anything contained in any other way for the time being in force, any matter decided by a Village Court cannot be tried in any Court, including a Village Court. Village courts have exclusive jurisdiction to try all disputes that are enumerated in a schedule to the Act (section 3(1)).

Accordingly, taking cognizance or holding a trial of any of these offences by any criminal court is not permitted and without jurisdiction. Even when the parties to a dispute seek to have one of these offences tried by a criminal court and thus bypass the village court, the criminal court cannot assume jurisdiction. However, if the chief judicial magistrate in the district is of opinion that a case

triable by and pending before a village court should be tried in a criminal court in the public interest and that of justice, he may withdraw that case from the village court (section 16(1)). Similarly, a village court may forward a case to the criminal court for trial and disposal if it is of the opinion that the accused deserves punishment in the interests of justice (section 16(2)).

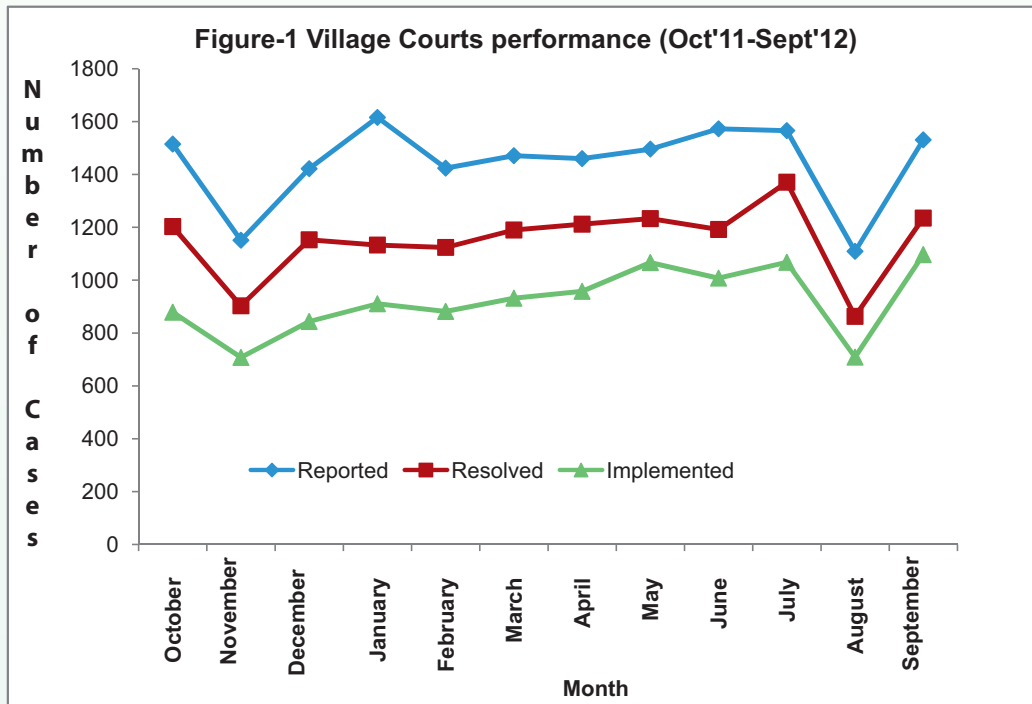
Following the above combination of formal principles of the state legal structure with a more informal approach in dealing with disputes, puts these local level judicial functions in between the retributive judicial institutions of the state and other entities

that flourish under the auspices of communities themselves following restorative principles without the support of state law. Therefore, the local level judicial entities- in this case village courts- can be treated as an alternative restorative fora to the formal judiciary, which is playing a tremendous role in resolving local disputes amicably and thus promoting social safeguards to avoid further local conflicts spiraling out of control.

If the decision of a village court is unanimous or by a majority of 4:1 (or 3:1 if the decision is reached in the presence of only four members of the court), the decision is binding on the parties (section 8(1)). But, if the decision is by a majority of 3:2, any party to the dispute may, within thirty days of the decision, appeal to any judicial magistrate of the first class having jurisdiction over the case (section 8(2)(a)). The said magistrate may, if satisfied that the village court failed to



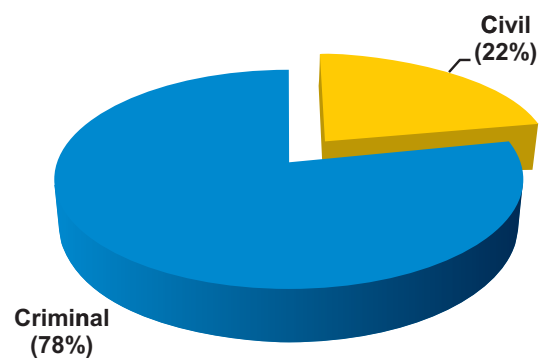
## Village Court Performance (October 2011-September, 2012)



**Figure-2 Percentage of people got remedy by sex**



**Figure-3 Percentage of case reported by case type**



## Paper Clips



# Govt plans judicial assistance in every UP for village court: PM

Rangpur city corpn soon, she says

Bangladesh Sangbad Sangstha, Dhaka

The prime minister, Sheikh Hasina, has said the government is considering appointing a judicial assistance to each union parishad across the country to help public representatives making the village court operational. She said the village court system would be expanded to all unions and it would be an ideal model of delivery of justice in the developing country. Initially there might have some loopholes, but the process will be standardised gradually, she said. The prime minister was addressing the inaugural session of a two-day Village Court Conference under the leadership of the

graduated to a city corporation very shortly. Chairmen and secretaries of 350 UPs under the project are taking part in the conference to review the success of the Village Court Law and identify its loopholes for improvement. The minister for LGED and cooperatives, Syed Ashrafur Islam, state minister Jahangir Kabir Nanki, UNDP resident representative Neal Walker and EU delegation charge d'affaires Milko Van Gool attended the function as special guests. The secretary of the local government division, Abdul Alam M Shahid Khan, was in the chair while the director of the Activating Village Courts in Bangladesh Project, KM Mozammel

Project in 2009 in 350 unions preliminarily aimed at executing the village court law enacted to give the traditional local dispute resolving system a formal shape and legal structure. The prime minister said her government had taken steps to introduce village courts in remaining over 4,000 UPs outside the project area and urged the donors to come forward to provide assistance in this regard. She reminded that the village court was a unique opportunity for elected representatives to deliver justice and service to people. On the one hand, it's an authority and a huge responsibility on the other, she said. "Nothing unjustified should be imposed being

false complaint. The disputes should have to be resolved through understanding and motivation, she added. Hasina said local representatives through applying the authority bestowed upon them by the village court law could earn confidence and love of people. Peaceful solution of disputes would also help maintain peace in society and fraternity among people, she noted. Saying that her government is pledged bound to undertake any activity for the welfare of the people, she hoped that village court would pave the way for ensuring justice for the poor and disadvantaged rural people.

She said Nanyangang and Comilla municipalities had been upgraded to city corporations to expand the civic amenities and Rangpur would be upgraded to a city corporation soon.

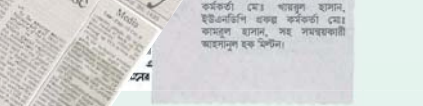
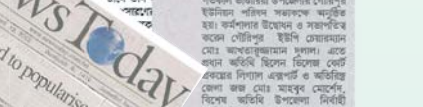
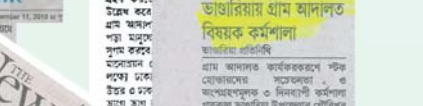
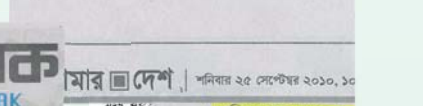
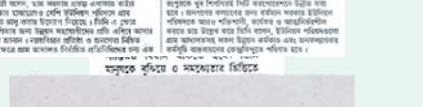
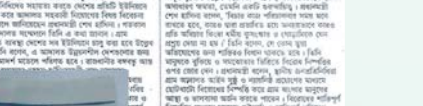
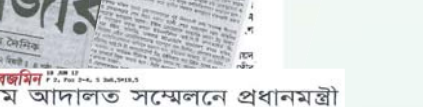
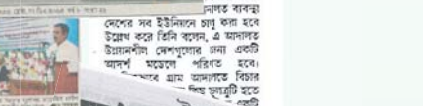
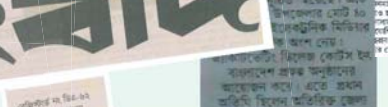


আমার দেশ 18 JUN 12 P 18, For 4-4, 5 1x15P15

## সব ইউনিয়নে চালু হবে গ্রাম আদালত

প্রধানমন্ত্রী

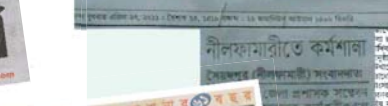
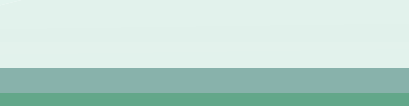
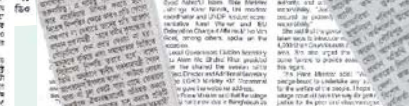
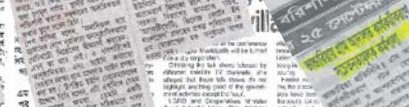
শ্রী হামিদা বেগম, আমানত গ্যারান্টি ফান্ড কর্তৃক প্রদত্ত ঋণের মাধ্যমে গ্রাম আদালত চালু হবে।



## VILLAGE COURTS Govt mulls judicial assistants for UPs

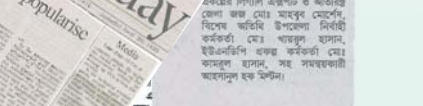
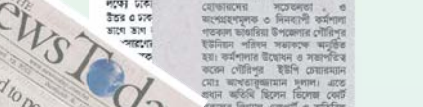
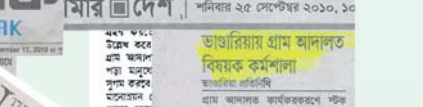
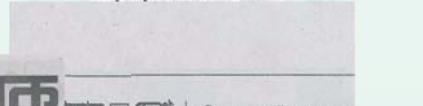
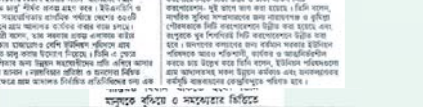
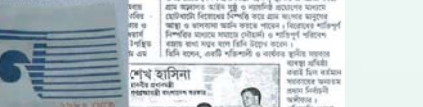
Says prime minister

Prime Minister Sheikh Hasina said the government is considering appointing a judicial assistant to each union parishad across the country to help public representatives making the village court operational. She said the village court system would be expanded to all unions and it would be an ideal model of delivery of justice in the developing country. Initially there might have some loopholes, but the process will be standardised gradually, she said. The prime minister was addressing the inaugural session of a two-day Village Court Conference under the leadership of the



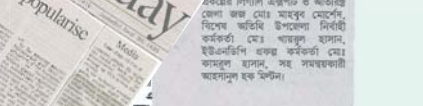
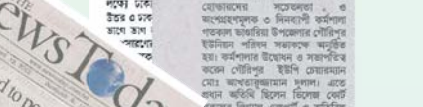
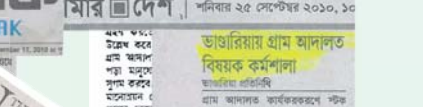
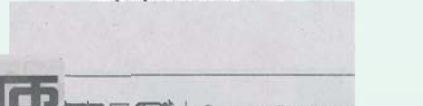
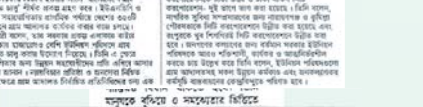
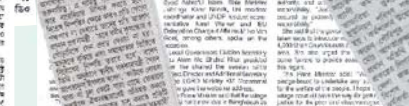
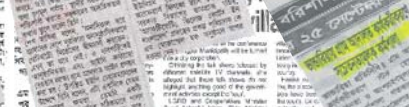
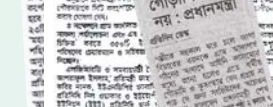
## গ্রাম আদালত সম্মেলনে প্রধানমন্ত্রী প্রত্যেক ইউনিয়নে আদালত সহকারী নিয়োগ দেয়া হবে

শ্রী হামিদা বেগম, আমানত গ্যারান্টি ফান্ড কর্তৃক প্রদত্ত ঋণের মাধ্যমে গ্রাম আদালত চালু হবে।



## গ্রাম আদালতে পৌঁছানি প্রায়

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## Project Intervention Area



