



Local Government Division  
Ministry of Local Government,  
Rural Development  
and Cooperatives

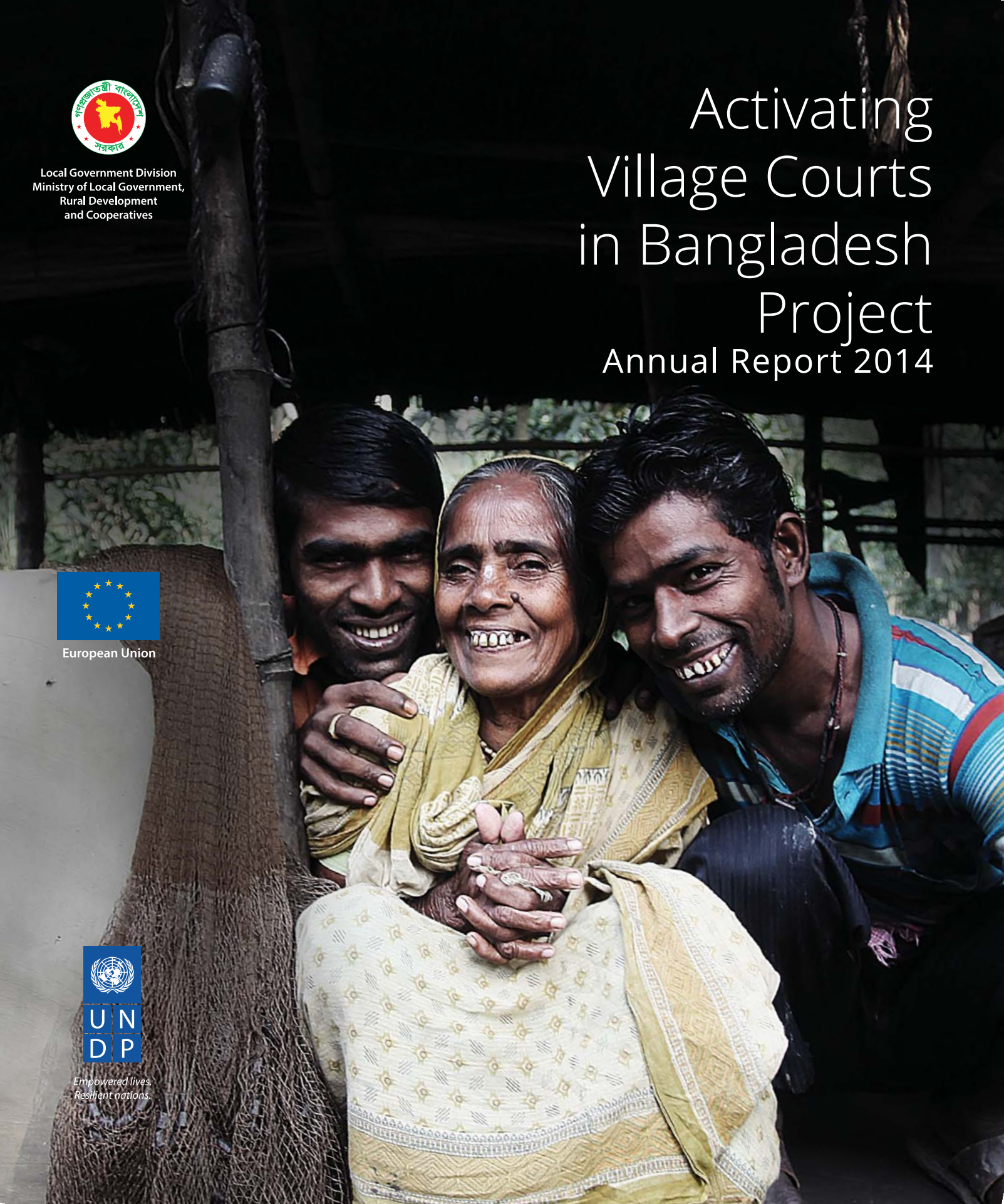
# Activating Village Courts in Bangladesh Project Annual Report 2014



European Union



Empowered lives.  
Resilient nations.



2014 Annual Report of the  
Activating Village Courts in Bangladesh Project

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*Empowered lives.  
Resilient nations.*

# Activating Village Courts in Bangladesh Project Annual Report 2014



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# Message

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## EU Delegation

2014 has been again a very successful year for the Village Courts Project in Bangladesh. We have been able to contribute to a reform that is making a real difference to the lives of millions of people who now get easier access to justice for smaller disputes.

The Village Courts, Bangladesh's state-led rural justice system, intersect local governance and justice. They are designed to empower and enable the poor and especially women and vulnerable groups to access an affordable and fair system of dispute resolution. It is great news that through some amendments made in 2013 it has been possible to encourage women to participate in the Village Courts at both ends, as parties seeking justice and also as member of the Village Courts tribunals.

We at the European Union Delegation have also been working hard during the whole year to secure a follow-on financing for the project. The formal decision by the European Union was taken in December 2014 to substantially increase our support for this second phase. From January 2016 onwards, a new five-year project implemented by the Local Government Division in partnership with UNDP, will be funded by the EU with € 25 million (about 250 crore Taka). This new phase will focus on awareness raising among rural communities, capacity building and other measures to make the Village Courts self-sustainable.

With the introduction of village courts in 1,000 additional unions across Bangladesh, the project will scale up the successful EU-funded pilot intervention to a significant part of the country, expanding the project's reach from 7 to 20 million people.

The Village Courts project is not only a flagship for the European Union in view of its massive achievements, but also in the way we are working together in a positive and continued partnership with Government, NGOs and UNDP. During the last year we were particularly impressed by the strong leadership that the Government, and especially the Local Government Division (LGD), has demonstrated.

The good news about the Village Courts model have quickly spread beyond the immediate project area and many

neighbouring communities, which were not originally targeted, now request to benefit from these local level tribunals. In response, the LGD was able to mobilise additional financial resources from government budget for the establishment of village courts in 500 additional unions during 2014, and 250 more will be activated in 2015. The Government also made available the funding necessary for financing the project in 2015, complementing the EU financing. Under the new programme that will be starting in 2016, the Government has already committed to finance the equivalent of additional 5.00 million USD from its own budget. These are very clear indications of the Government's ownership for this intervention.

In the end Village Courts are shaped by the communities in which they belong. They are helping the justice system to reflect the interests and perspectives of the people. At the same time, they are helping to build strong, viable, accountable, effective and responsible local government in Bangladesh.

2014 has been a year of consolidation for the already existing Village Courts, 2015 is the year of transition during which we design a new phase for expanding this system throughout the country. This work has already begun and I am confident that as partners we will manage the full scaling up so that soon all citizens in rural Bangladesh can benefit from a fair, effective, expeditious, transparent and affordable justice, accessible right at their doorsteps.



A handwritten signature in black ink, appearing to read 'Pierre Mayaudon'.

Pierre Mayaudon  
Ambassador of the European Union to Bangladesh

# Message

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## UNDP

This annual report outlines the key results and progress on outputs of the activating village courts project in 2014. Now in its sixth year this project demonstrates the advantages of building strong platforms for local justice able to deal openly and efficiently with disputes in communities. On nearly all indicators village courts are performing well providing better delivery, more accessibility and affordable justice.

There is incremental year on year growth in the number of individuals seeking justice in village courts. Since they opened their doors 67,770 cases were submitted to the courts and 78 percent of these resolved in line with the provisions of the village courts Act. Of these cases 31 percent involved women and this number is also growing annually. This has meant over 135,540 people mostly from vulnerable communities received direct access to justice as a result of the village court partnership since its inception.

Going beyond numbers the performance of these courts is impressive. Not only does it take on average under one month for cases to be resolved compliance to decisions by parties in a dispute is high with 85 percent of decisions implemented within established time limits. This reflects the confidence communities have in these courts and their decisions. And confidence and trust are two of the principle indicators of a justice system that works in the public interest. I think it is crucial too there is growing recognition and national ownership of the partnership that shapes village courts as they expand into a national justice service situated between formal and informal justice platforms.

District courts are referring a great number of cases to these village courts. Growing government support is reflected in the Ministry of Local Government, Rural Development and Cooperatives providing USD 6 million to fund a bridging year in 2015 and a new cycle of the village courts project from January 2016. Going beyond the project local demand has

meant activation of village courts in 750 unions are in the pipeline that are located outside of the current pilot area showing strong desire for scaling up.

These positive results demonstrate village courts are increasingly embedded in community and national life. As we look forward to the next phase commencing in 2016 the partnership intends to further deepen and broaden village courts ensuring they are accessible to more communities with wider reach. It will be crucial this expansion maintains the high level of transparency and commitment towards village court justice shown so far and national ownership drives expansion.

One of the key reasons for the success of these courts is the strong partnership between the Ministry of Local Government, civil society, European Union and the United Nations Development Programme. The shared vision of all partners has driven successes. This takes nothing away from the staff working in and in support of village courts. And I sincerely thank them for their work. That is testimony to their own commitment and belief in the invaluable role played by village courts.



A handwritten signature in dark ink, reading "Pauline Tamesis". The signature is fluid and cursive, with a long, sweeping underline.

Pauline Tamesis  
Country Director  
United Nations Development Programme  
Bangladesh



# Acknowledgement

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On behalf of the Local Government Division, Ministry of Local Government, Rural Development and Cooperatives I am delighted to present the village court project annual report for 2014. This year's report is unique in that it represents the successful completion of the first phase and discusses the future expansion of the village court project in second phase. To date the village courts have successfully provided local communities an avenue for local dispute resolution that is both affordable and accessible.

For the interest of local poor population, the Government of Bangladesh has confirmed an important legal amendment to the Village Courts Act 2006 in 2013 significantly expanding the financial jurisdiction of the village courts. As predicted, the expansion has permitted more cases to be accepted by the village courts allowing for an increase in speedy and affordable justice for the population and lessening of case backlogs for the district courts.

Another success of the village court project that must be noted is the increase in participation of women as users of the court and as court panellists. Over the span of the village court project the number of women using the courts has significantly increased, indicating an improvement in awareness about the courts and an increasing confidence on the part of rural women to seek out justice.

The overall success of the first phase can be attributed to the overwhelming acceptance of the local population towards the village court project, not only within the piloted areas but also in non-piloted areas. The rural populations of Bangladesh desire affordable and effective justice and have identified it with the village courts and desire to see the expansion of the project in the future.

Given the initial strong response the village court project has had to date, it is necessary to maintain this positive momentum

and launch the program into the second phase. This annual report will provide necessary information to better understand how the project has comparatively fared thus far, and what kind of planning will be necessary for the transition into phase 2 of the village courts project.

On behalf of the Local Government Division I would like to express my appreciation to our valued partners both European Union and United Nations Development Programme for their continued support in aiding Bangladesh in furthering the village courts project. I hope this annual report portraying the convincing performance of village courts project will attract other potential development partners in joining LGD's hand for scaling it up.

I would also like to express my gratitude and congratulations to the project staff and members of the Local Government Division for their successful completion of the first phase of the project and helping the project reaching its outmost potential.



A stylized handwritten signature in black ink, appearing to read 'K M Hoq'.

K M Mozammel Hoq  
Additional Secretary  
Local Government Division and  
National Project Director  
Activating Village Courts in Bangladesh Project

# Introduction

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Extensive case backlogs and complex and cumbersome procedural requirements of the formal courts excludes large proportions of the population, particularly the poor and vulnerable from access to justice. To address these issues the United Nations Development Programme and European Union developed the Activating Village Courts in Bangladesh (AVCB) project in partnership with the Local Government Division under the Ministry of Local Government, Rural Development and Cooperatives (MoLGRD&C).

In providing affordable access to justice to the rural poor, the AVCB project has demonstrated that the implementation of a grass roots justice system has the ability to make important changes in access to justice, and in improving citizens' perceptions of receiving justice through local justice mechanism.

As of December 2014, the village courts have successfully been established in 351 unions (representing roughly 8 percent of rural Bangladesh). The continuous improvement of figures related to cases filed, resolved, referrals by district courts, decisions implemented and compensation recovered indicate the rural population and district courts have gradually recognized the value of village courts in providing swift and affordable justice. Moreover, with the expansion of financial jurisdictions of the courts, due to the introduction of the amended Village Courts Act in 2013, the village courts have been able to accept more cases and relieve the District Courts of additional small claims cases.

Though the project has seen incredible success some challenges remain in activating village courts. The acceptance of appeal petitions in the upper court, against a decision of a village court with 5:0 votes, is hampering the functioning of village courts. The issue is further complicated by the fact that there is no such provision in the amended Village Courts Act. Additionally, formal courts have taken too long in referring cases that fall under the village courts' jurisdiction. Moreover, the situation is further complex as no formal procedure obligates courts to transfer cases to village courts.

The positive results of the village courts are due to effective capacity and awareness building initiatives which have provided the necessary resources and training to provide the best possible service for those seeking justice. With an increase in capacity building and awareness, the village court process has further empowered citizens, especially women, to seek justice and in delivering affordable and timely justice. As a result, in total 1,097 more women sought remedies in 2014 than in 2013.

The partnership between the Local Government Division, Ministry of Local Government, Rural Development and Cooperatives, the United Nations Development Programme and the European Union have established a model to ensure that all vulnerable members of society have access to justice through the village courts. The success of the piloted village courts has motivated the partners to increase the scale of the project in Bangladesh. In 2014 the government has demonstrated its support to by announcing that new positions, to be recruited at the UP level, will administer village courts' issues. The LGD has allocated 2.15 million USD to run the existing project and roll out village courts in more 750 unions. The UNDP and EU also have made soft financial commitments to help with increasing the scale of the project across the country.

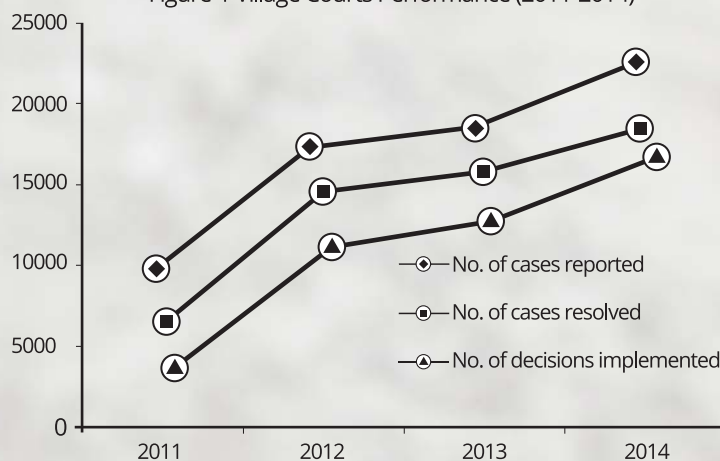
# Section 1

## Key results and achievements

### Increased access to justice

Village courts service have been functional in 351 unions and are offering judicial services to roughly eight percent of the rural population of Bangladesh in a simple, transparent, affordable and quick manner. In 2014, a total of 22,475 cases were reported to village courts, of this total 17,952 cases have been resolved and 16,769 decisions have been implemented. Nearly 44,950 people had direct access to localized justice through village courts in 2014. A total of 67,770 cases have been reported to village courts since 2010, of which 53,333 have been resolved. Of the resolved cases, 45,421 decisions have been implemented. The majority of the cases dealt with by the village courts were criminal (75%) which is approximately three times more than civil cases (25%). Strong ownership is also reflected at the grass roots levels with an increase in cases registered to the village Courts (Figure-1).

Figure-1 Village Courts Performance (2011-2014)

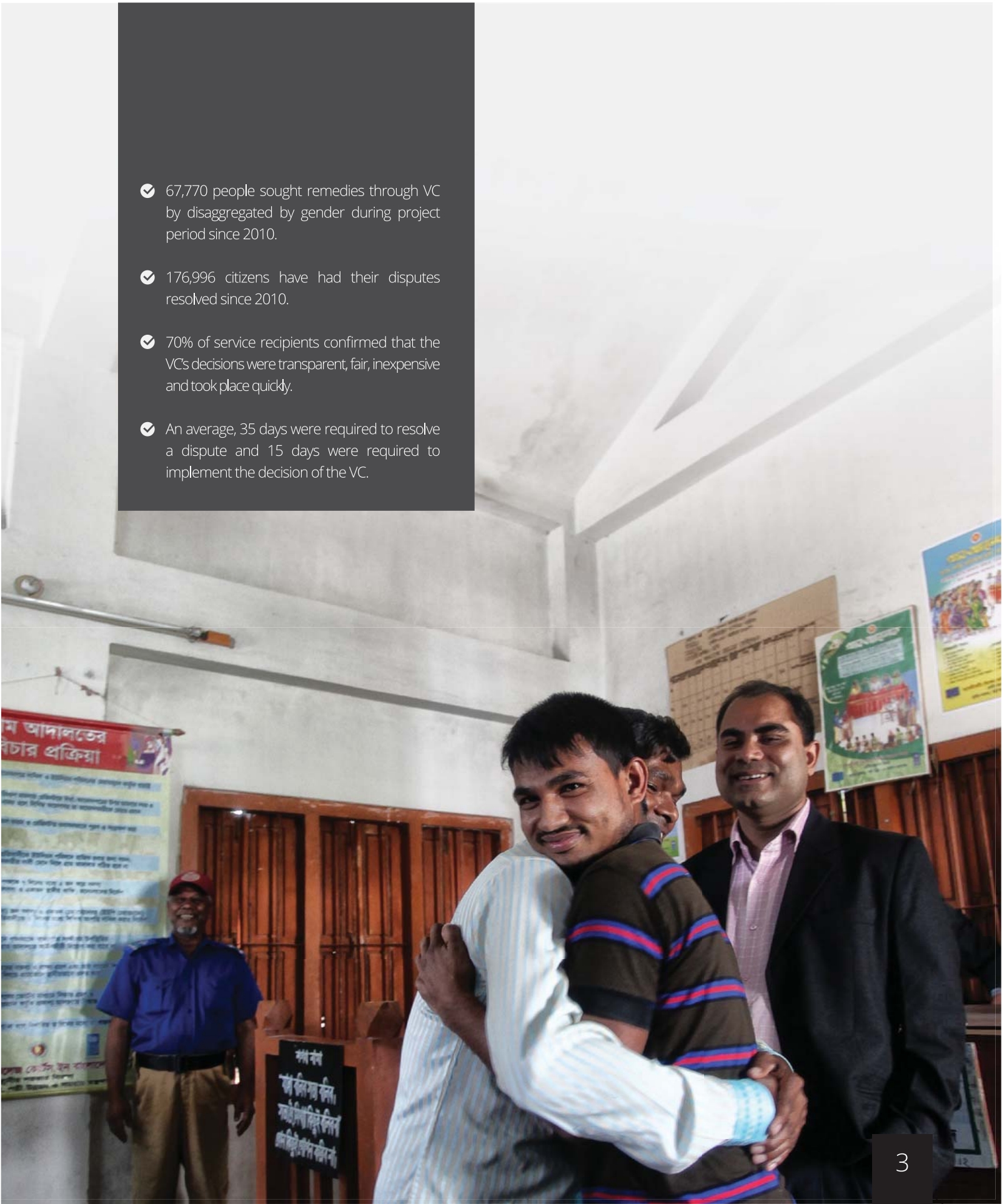


### Application of the amended Village Courts Act 2006

The Village Courts Act 2006, which was amended in September 2013, based on policy recommendations made by UNDP, have allowed village courts to receive more cases in 2014. In total, 3,767 more cases have been reported in 2014 than the previous year, due to the increase in financial jurisdiction (BDT 25,000 to BDT 75,000) representing 20 percent of the total reported cases in 2014. In 2014, on average 5.30 cases were reported in each union parishad every month as opposed to 4.3 cases in 2013. The Case Statistics database has shown that due to the increase in financial jurisdiction more people sought justice at village courts for civil matters. Among the reported cases in 2014, 25 percent were civil cases compared to 23 percent in 2013.



- ✓ 67,770 people sought remedies through VC by disaggregated by gender during project period since 2010.
- ✓ 176,996 citizens have had their disputes resolved since 2010.
- ✓ 70% of service recipients confirmed that the VC's decisions were transparent, fair, inexpensive and took place quickly.
- ✓ An average, 35 days were required to resolve a dispute and 15 days were required to implement the decision of the VC.



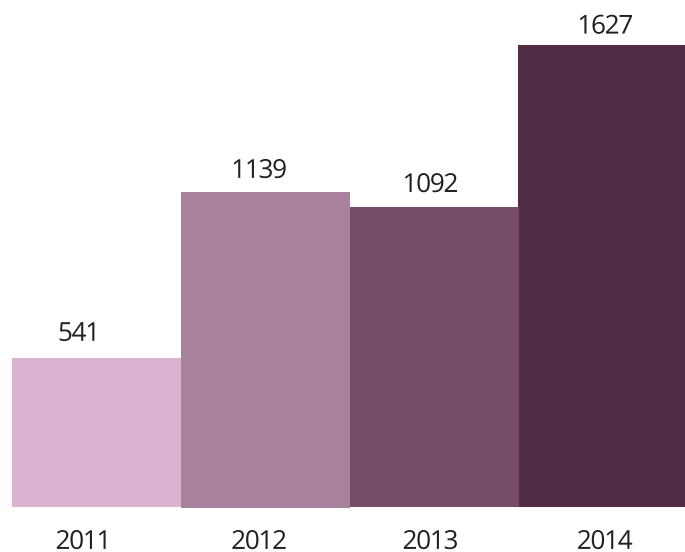
## INCREASED RECOGNITION by district courts

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Through the UNDP's efforts in advocating and raising awareness of the AVCB Project, the District Courts have referred more cases in 2014 than 2013 to the village courts. In total, 1,627 cases were referred in 2014 compared to 1,092 in 2013. Since the inception of the village courts project a total of 4,400 cases were referred from the district courts. A court user survey, conducted in 2014, concluded that court users, who filed

their cases either at police station and/or at a district court instead of first approaching a village court, lost more than a year waiting for a court decision and paid hefty prices for court fees and other related expenses. Once these cases were referred to a village court, however, they were resolved on average in 83 days and court users spent a mere BDT 407.00 per case.

Figure-2  
Number of cases  
referred from District Courts by year







## COMMUNITY'S empowerment

The village courts have empowered the community most notably women, the poor and vulnerable groups to seek remedies for injustices and to resolve their disputes at the local level in an speedy, transparent and affordable manner. In

2014, a total of 22,475 people sought remedies through village courts compared to 18,347 in 2013. Similarly, involvement of the community in dispute resolution has increased from 52,121 (2013) to 56,652 (2014).



“

One community people said :

“The village courts have brought a great opportunity for the poor to get legal services close to home. Earlier the villagers used to go to the district courts to get judgment for merely killing a hen. Now, the village courts resolve such petty disputes within a very short time. Additionally, he added that dispute settlement at the district courts took too long and cost too much money for the scope of the case.”

Devid Suranjan Biswas, UP chairman, Ratail union, Kashiani upazila, Gopalganj said:

"I am very happy to provide legal services to the community through the village court. Previously, the community was exposed to physical pressure and threats, in many instances, not to seek justice. They had to bow to the power. Now, they are receiving fair justice through village courts from their doorsteps in return for a very minimum cost within a very short period of time. Both parties become happy as a result of the VC's decision. I feel proud when I sit in the chair of the judge during VC sessions."

”



## WOMEN'S ACCESS TO justice improved

A total of 21,094 rural women sought justice through the village courts, of these women 16,861 (79%) received remedy. Women are increasingly visiting village courts to seek justice and also actively participating in the village court decision making process. From 2012 to 2014 the village courts witnessed an increase of 1,483 cases (5,443-6,926) involving women seeking justice. The involvement of women in the village court decision making process has also increased from 5,760 (2013) to 8,254 (2014).

Figure-3  
Participation of women in seeking and delivering justice



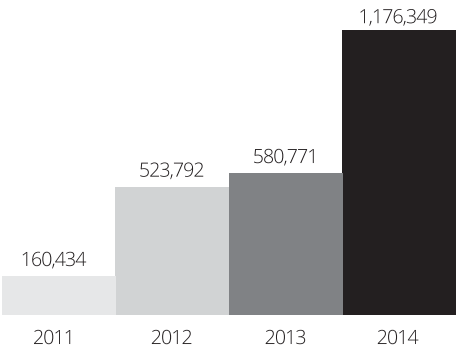


IMPACT OF  
Village Courts

The value of village courts is that they enable citizens to seek compensation for small disputes that can otherwise create instability between community members, entrench conflict, and increase social instability in the country at a local level. According to an independent survey, village courts have gradually increased social harmony, built closer relationships between petitioners and defendants, and have decreased family and land disputes. The aforementioned improve-

ment of relations can be attributed to the successful remuneration of village court users in a timely manner. Since 2010, BDT 188.604 million (US\$ 2.44 million) has been recovered by village courts as compensation and has been provided to the complainants. An independent survey concluded that complainants used this money for meeting family needs, business and farming, medical expenses, and paying back their loans.

Figure-4  
Amount of money recovered  
as compensation (USD)



Rafeza  
A service seeker  
Padmabila,  
Kashiani, Gopalgonj

“

The village court resolved my dispute within 15 days and I have received my due amount of Tk. 3,500 as compensation on the final hearing day. I am very happy receiving the right decision through the village court in the 1st hearing session. Subsequently, I have purchased a tailoring machine with the money I received as compensation. Now I am earning Tk. 1,000 each month through tailoring. I became upset when my sister-in-law (defendant) didn't pay back my due amount.

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## SUSTAINABILITY and Scaling up

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The UNDP supported village courts project has created strong ownership and demand of the village courts towards the government, donors, neighboring unions and beneficiaries. In 2014 the government has demonstrated its supports to this approach by committing to amend village court rules in light of the amended Village Courts Act issuing directives to the Bangladesh Police Academy, police training centers, in-service training centers and other relevant police training institutes to integrate village court issues within the basic curricula of their training and additionally allocated 1 million USD for one year extension of the project.

The success of the AVCB Project motivated neighboring unions, outside the project areas, to run village courts and hence the

ministry disbursed BDT 6 crores (USD 0.76 million) to 500 unions (beyond 351 project UPs) in 2013-2014 fiscal year, 0.389 million USD for 250 unions in 2014-2015 for establishing village courts. UNDP-supported village courts project provided technical supports in establishing Court Bench (*Ejlas*) in 500 UPs and provided village courts forms to almost all unions of Bangladesh to document the village courts proceedings. The AVCB Project already has emerged as flagship project towards government and donors and both have already expressed their soft financial commitment for scaling up the project in more 1,000 unions of Bangladesh.

### INSTITUTIONALIZATION

- ✓ Integrate Village Courts issues into the training curriculum of the government training institutes so that they can continue the capacity building initiatives after the project has come to an end.
- ✓ Village Courts Act, 2006 that was reviewed and amended in September 2013, based on policy recommendations made by the UNDP, have allowed village courts to accept more cases in 2014.
- ✓ Institutionalization of the monitoring system of village courts through functioning VCMC, piloting decentralized monitoring system and web-based VCMIS.

### EXPANSIONS AND REPLICATION

- ✓ The LGD included village courts issues as a criterion in union parishads' performance assessment, which motivated other UPs to run village courts. Hence three district administrations sought technical assistance from AVCB Project to activate village courts in 180 unions.
- ✓ The GOB distributed 1.15 million USD to 750 UPs to establish village courts.
- ✓ GOB, EU, UNDP and DANIDA have made soft commitment to replicate the project in more 1,000 unions of Bangladesh.



## INCREASED CAPACITY OF service providers on village courts

Knowledge, attitudes and practices of union parishad representatives, secretaries and village police in the pilot areas fair better than those of the control areas according to an independent study. For example, 58 percent of the union parishad representatives, secretaries and village police in the pilot areas gave correct responses to all the nine knowledge-questions compared to only 15 percent from the

control areas. Within the project areas the chairmen, a critical focal point for village courts, are much more knowledgeable than all other respondents. In total 73 percent of the chairmen from the pilot areas gave correct responses on all the nine competency based questions compared to 64 percent of the secretaries, 63 percent of the members and only 37 percent of the village police.

## STRENGTHENING GOVERNMENT MONITORING OF Village Courts performance

With the completion of Phase 1 it has been noted that the local administration (most notably district and upazila administrations) have become increasingly involved in monitoring the performance of village courts through the Village Courts Management Committee (VCMC) and the Decentralized Monitoring, Inspection and Evaluation (DMIE) System. Following a government directive aiming to monitor village courts performance 43 percent (6 of 14) district VCMCs, and 81 percent (46 of 57) upazila VCMCs met a total of four times to assess performance.

Decentralized Monitoring, Inspection and Evaluation (DMIE) system are moderately functional in all piloted 15 unions, 7 upazilas and 5 districts. Among the five districts DMIE

system is more functional in Rangpur, Lalmonirhat and Nilphamari districts than Sylhet and Pirojpur districts. Reporting mechanisms from unions to upazilas, upazilas to districts and districts to MIE Wing of LGD has already been established as in last quarter MIE Wing received quarterly monitoring reports and six monthly reports on village courts performance from five piloted districts. Web-based Village Courts Management Information System (VCMIS) that was developed by UNDP's supports is now being implemented in piloted areas on test basis to monitor the village courts performance. Now all piloted areas are fully equipped with ICT equipment and skilled staff to run VCMIS smoothly.

Farida Yasmin  
Court Assistant,  
Parulia union  
Kashiani, Gopalganj

“

“Capacity and skills have been increased in the documentation of VC's proceedings through the participation in training, workshops and reviewing sample order sheets provided by the project about village courts. Now, I have a clear concept of VC Rules including the amended VC Act. I can now maintain all types of registers properly, write orders, keep notes on statements of petitioners, defendants and witnesses correctly.”

A service recipient expressed: “Court Assistant was very cordial and assisted me greatly in dealing with my case. The VC Chairman, and other panel members, were neutral in passing the verdict. I didn't pay any amount beyond the court fee (BDT 2.00) for filing my case and didn't incur any additional traveling fees as my house is close to the UP complex.”

”



VILLAGE COURT PROTECTS  
property rights

# Success



# story

## Activating village courts in Bangladesh project

Location: Chakmarkul union, Ramu upazila, Cox's Bazar district

Mostafa Khatun is 50, a housewife with five sons, four daughters and two grandchildren. She was married to a distant cousin at 14 years and did not receive any education. She is a devout Muslim and stays around the home, like many women in Cox's Bazar district.

The dispute was sparked when her neighbour, a cousin of her husband, felled a bamboo tree near her house. As the neighbour and his three sons dragged the tree away, a number of mahogany saplings that Mostafa had been growing were destroyed.

Mostafa's husband has purchased the saplings two years ago for 15 taka each with the intention to sell them once grown, as within 20 years each tree could fetch Euro 207 (20,000 taka). These trees were an important investment and supplementary income.

Mostafa ran outside to see what was happening. Her husband and children were not at home but there was a heated exchange with her neighbours, during which her neighbours destroyed ten more saplings. They attacked Mostafa, pulling her hair, tearing her clothes and pushing her down into the mud, bruising her back and arms. On hearing her cries, some neighbours came to her rescue and took her back to her house. "It all happened so quickly, I didn't have time to think but afterwards I was in a lot of pain and afraid", Mostafa recalled.

On return to the village, her husband took her to the dispensary where she received medication for her injuries at a cost of Euros 23 (2,200 taka). Her husband then went to the village elders to make a complaint about the neighbours' actions. When the offending

cousin refused to respond to the request of the elders, Mostafa's husband reported the matter to the police station, eight kilometres away.

The police referred the case to the District Judge Court, located 25 km away. Two years and 15 visits later, there was still no conclusion to the case. Finally, the district court magistrate recommended the case be referred to the village court. Mostafa Khatun recalls: "My husband used to go to the police station and district court to follow-up on the case. He became upset spending a huge amount of money without any results. We were always worried that the defendants could harm us".

Receiving the case from the District Court, it was registered by the village court. A panel was formed comprising representatives of both parties who heard the detail with evidence and declared the verdict that the defendant was guilty of destroying the saplings and injuring Mostafa. A Euro 51 (4,920 taka) fine was imposed to compensate for the destroyed saplings and medical expenses from Mostafa's injuries.

The defendant paid the compensation in accordance with the judgement within three months. Mostafa and her husband used the funds to pay for their children's education. They believe that the village court's decision was a fair one and prefer the village court to the district court because it is closer, faster and less expensive. For Mostafa's husband, the apology that the family received from the neighbours at the village court was as important as the financial compensation. Mostafa said, "The neighbour said that what he did in the quarrel was wrong and I am honoured that he apologised".



# Section 2

Progress towards Outputs

OUTPUT: UNION PARISHADS ARE STRENGTHENED TO RUN VILLAGE COURTS SERVICES

## CAPACITY BUILDING OF service providers

The project supported capacity building initiatives , which were attended by 14,000 UP representatives and community members in 2014, have increased the knowledge of service providers and community members on the amended Village Courts Act. Initially the project provided a refresher training to 81 field staff who then provided training to service providers of 351 union and community members.

The success of the AVCB project motivated neighboring UPs outside the project areas to run village courts and hence led the ministry to distribute one set of village courts forms to each UP beyond the project area.

Figure-5 Number of community people that received capacity building supports





## RESEARCH AND PROCESS development initiatives

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In 2014, the project adopted an innovative practice for facilitating the increased engagement of local administration in activating village courts. This approach is still under trial in 12 unions in Sylhet and Pirojpur district where no NGO is engaged like in the rest of the project areas. Instead of NGO, local administration is steering the project activities (planning, budgeting, implementation, monitoring and reporting) with closer coordination with the LGD and UNDP Project Management Team. The result of this approach, so far,

indicates lower costs with increased engagement of administration but requires extensive coaching and mentoring. Currently 12 UPs are fully equipped with skilled service providers, *ejlas* (court bench) and different forms. In total, 435 cases reported in 2014. Among the reported cases 62% resolved, of which 77% decisions are implemented. District Courts referred 65 cases to 12 UPs to resolve these through village courts.

## REFRESHER TRAINING ON amended Village Courts Act

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With the objective of improving the capacity of village courts, the project organized a four-day training session for village court staff members of the R&PD area at the Bangladesh Institute of Management (BIM). Specifically, the training aimed to enhance the knowledge and skills required for the efficient functioning of the village courts project, with a key focus on the newly amended Village Courts Act. A total of 28 staff members from Research and Process Development (R&PD) area took part in the training course which included 8 women and 20 men. The training session was inaugurated by the National Project Director,

AVCB project and Additional Secretary, LGD where the Director General of BIM, the Joint Secretary and Deputy Secretary of the LGD and Project Coordinator of the AVCB project attended. The training course mainly focused on elaborating the newly amended Village Courts Act and explaining how the new documentation would be used following the amendments.

## PROJECT REVIEWED BY local administration (UNOs and DDLGs)

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The project arranged a day-long project review workshop on May 22, 2014 in Dhaka where 45 UNOs from 14 Districts covering six Divisions, senior officials from Local Government Division and project officials attended. The day-long event covered discussions and knowledge sharing through different sessions, highlighting village courts performance, status of Village Courts Management Committee (VCMC), and the status of piloting decentralized Monitoring, Inspection and Evaluation System. Through this event the LGD provided directives to UNOs regarding their role and

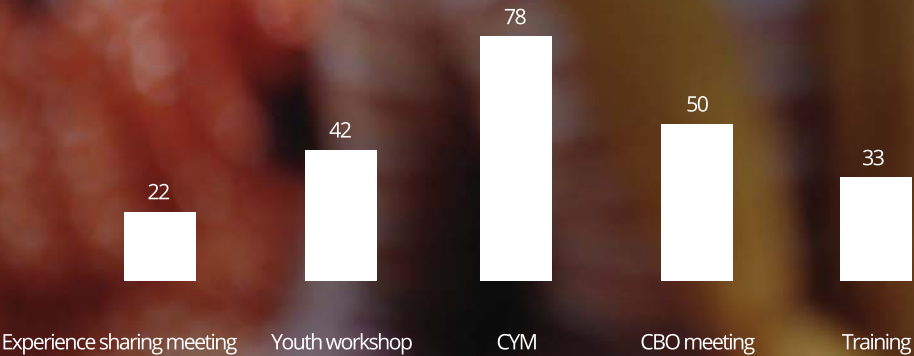
responsibilities in monitoring village courts performance. In addition, the event contributed in yielding ideas from UNOs for next phase development. This event allowed the LGD to get substantial recommendations on the proposed draft VC Rules from participating UNOs, as the existing Rules is not in conformity with the amended VC Act. This event played a vibrant role in escalating the pace of executing the interventions on the right track and increasing the interest of the UNOs.

CAPACITY BUILDING  
of Women

The capacity building and social mobilization initiatives undertaken by the project have empowered women to deliver and obtain justice through the village courts. During the 2014 reporting period the project mobilized around 900,000 community people through Courtyard Meeting (CYM), youth workshops, sharing meetings, and Community Based Organization (CBO) meetings. Of all the participants of these workshops 72 percent were women. In addition, two training workshops, in Dakshin Surma and in Bandharia upazila, were held and had 66 people in

attendance. The Deputy Commissioner of the district attended as Chief Guest and the upazila parishad chairmen attended as Special Guests in both districts. The main objective of these workshops was not only to familiarize participants of the purpose and functioning of the village court project but more importantly, to stress the importance of the role women should play within the village court system, both as facilitators of the project, and as recipients of justice.

Figure-6 Participation of women in capacity building and mobilization initiatives(%)









## ICT BASED Monitoring system

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Village Courts Management Information System (VCMIS) is a web-based management information system that has been developed and implemented for monitoring village courts' performance from different tiers and improving the overall case management system of village courts. It has been developed having in mind the different steps of case resolutions as per amended Village Courts Act and the different forms and registers used to document the village courts proceedings. It has been hosted to an online based live server and a central database server has been connected with the live server which is used to store case data passes through the VCMIS application by UP staff sitting at UP level.

The initial piloting phase of the VCMIS is underway in 15 unions, 7 upazilas and 5 districts. User guidelines have been developed and distributed to aid users efficiently using the system. To date the system has been functioning well and system trouble shooting by village court assistants has helped adjust outstanding problems with data entry. The VCMIS pilot is

scheduled to be replicated during the implementation of Phase 2 of the AVCB project.

Knowledge and skills of the different users of the VCMIS have been developed through training and orientation. Two batches of trainings have been organized for the VCMIS with the participation of 15 Court Assistants and 14 UP Secretaries of piloting areas, two District Facilitators from concerned districts, two Upazila Supervisors from R&PD areas and one Monitoring Associate from MIE Wing, LGD. The objective of the training was to develop the skills of participants on basic computing and the VCMIS so that data can be updated and reports can be generated regularly by respective users. Both the trainings have equipped the respective key users in using the VCMIS. In addition, the project also has provided orientation to UP Chairmen of 15 UPs along with seven UNOs and five DDLGs so that they can generate reports as per their requirement and can monitor village courts' performance from their own station.

## VILLAGE COURTS Management Committee

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Fifty seven upazila and 14 district Village Courts Management Committees (VCMC) have been formed in 2013 to monitor the functioning of village courts. According to government directives each VCMC was required to meet four times in 2014. The table below shows that 43 percent (6 out of 14) of

the district VCMCs and 81 percent (46 out of 57) of upazila VCMCs met four times in 2014, following the government directive. The district VCMC of Faridpur and Pirojpur met twice and the Sylhet VCMC met once in 2014. Similarly, seven upazila VCMCs met three times, two met twice and two met once.

## PILOTING DECENTRALIZED Monitoring, Inspection and Evaluation (DMIE) System

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The Decentralized Monitoring, Inspection and Evaluation (DMIE) system has been implemented in 15 unions of 7 upazilas under 5 districts as a pilot. The MIE Wing of LGD has received two six-monthly consolidated reports; one for the period of January-June 2014, and the other for the period of July-December 2014 on village courts' performance from the DDLGs. Monitoring Associate recruited for the MIE Wing has been providing day-to-day

support to the MIE Wing in implementing and monitoring the DMIE system. His knowledge and skills on the VCMIS and DMIE system has been developed through training and consultation. Now he is capable of monitoring village courts performance through the VCMIS and following the guidelines of the DMIE system. The project has provided one computer, printer and modem to the MIE Wing to monitor village courts performance through VCMIS.

The Joint Secretary made two monitoring visits in Rangpur and Lalmonirhat districts to monitor the implementation status of the DMIE system and performance of the VCMC. The findings of the visits are summarized below:

- ✓ All of the visited union parishads prepared and sent quarterly reports on village court performance to UNOs as per the government order.
- ✓ All union parishads kept the agenda on village courts in the monthly coordination meetings and sent the photocopy of the meeting minutes to the UNOs.
- ✓ All of the upazilas prepared and sent a report on village court performance to the DDLGs following the government order.
- ✓ Among the three upazilas only one prepared a small quarterly monitoring report and sent it to the DDLG following the government order.

MS. Lenka Vitkova (Head of Operations of the EU to Bangladesh), Mr. Luc Patzelt (Programme Manager from the EU to Bangladesh) along with Mr. Nick Beresford (Deputy Country Director of UNDP Bangladesh) visited Parul union parishad of Pirgacha upazila in Rangpur district on May 28, 2014. The donor representatives were very impressed with the on-going activities of the village courts project and its ability to bring justice to the doorsteps of the rural people. The visiting envoys had the opportunity to observe an on-going trial session of a village court. The Deputy Country Director and the EU envoys also met with local administration, and had a successful meeting with local authorities, led by Mr. Farid Ahmed (Deputy Commissioner) in Rangpur. The Deputy Commissioner stated the importance of the continuity of the village courts service and informed the EU representatives about how appreciative the rural people are about receiving access to justice at a low cost and within a short time.

Another high level EU team consists of 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, Mr. Philippe JACQUES, First Counsellor and Head of Cooperation, Mr. Gonzalo SERRANO, First Secretary and Head of Section and Mr. Luc PATZELT, Attaché and Programme

Manager, EU Delegation visited Chuadanga on June 06, 2014 to monitor the results of AVCB project. They met with Local administration at Deputy Commissioner (DC) office and UP representatives where local administration and UP representatives shared the success of village courts. In addition they also monitored hearing session of village courts and courtyard meeting.

The State Minister for Rural Development & Cooperatives, Mr. Moshiur Rahman Ranga visited the Kolkond union parishad of Gangachora upazila in the Rangpur district on June 18, 2014. He expressed his appreciation for the on-going activities of the AVCB project in bringing justice to the doorsteps of the rural people. The Minister had the opportunity to observe an on-going trial session of a village court. Mr. Moshiur Rahman orated about importance of continuity of Village Courts service to ensure access to justice at a low cost and within a short time through current interventions. Local government representatives including Union Parishads and other government officials revealed benefits of village courts services in improving law and order situation. Mr. Farid Ahmed, Deputy Commissioner, Rangpur and Md. Tuohidul Islam, UNO, Gangachora Upazila accompanied the State Minister during his visit.

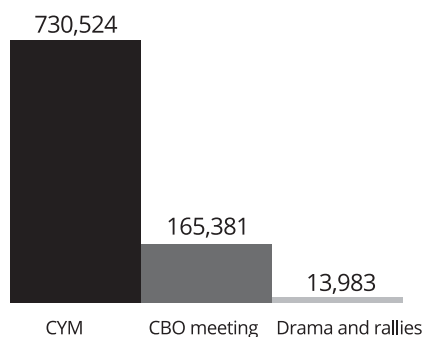


## OUTPUT: AWARENESS ON VILLAGE COURTS OPERATION AND FUNCTION RAISED

The project has supported social mobilization to raise awareness about the village court project. This effort cumulated in the attendance of 900,000 community people, journalists, government officials, local representatives and village court workers. In 2014, the UNDP has successfully increased awareness of the village court project to the rural community by organizing courtyard meetings, Community Based Organization (CBO) meetings, rallies and staging dramas.

In total 45 workshops were held (3 at the upazila level, 1 at the district level and 41 at the union level) during the reporting period. These workshops were attended by 2,200 people including union parishad representatives, GoB officials and youth groups. Additionally, two media workshops were established in the Dakshin Surma and Bandhria upazilas to familiarize the local media about the village court project. A total of 75 journalists participated in the workshops.

Figure-7 Number of community people mobilized



## OUTPUT: VILLAGE COURT LEGAL FRAMEWORK REVIEWED


The AVCB project has drafted new village court rules conforming to the newly amended Village Courts Act with the aid of local legal consultants. Additionally, it has been drafted through rigorous consultation with UNOs, judiciaries, local administration and field level practitioners. Valuable feedback and recommendations received from those consultations were incorporated. Currently it has been submitted

to the ministry for taking necessary measures for approval.

The project has developed and printed ten thousand copies village court booklets in 2014 and has currently distributed 9,862 copies to all unions across the country, DDLGs, district courts, Superintendent of Police (SP). The new village court booklets were prepared in light of the amended village courts Act.

PABITRA BALA RECOVERED HER  
belongings through the village court

# Success



The claimant, Pabitra Bala and her son Nikhil Bala are very satisfied with the decision of the Village Court. It has allowed Nikhil to continue to contribute to the household.

# story

## Activating Village Courts in Bangladesh

Story: Pabitra Bala

Location: Debinagor village, Nakole union, Sreepur upazila, Magura district (South-west Bangladesh)

Pabitra Bala is a 65 year old widow from Magura district in rural Bangladesh. She is extremely poor with very few belongings, earning only a small income of 1000 Bangladesh taka (BDT) (10 Euro) a month from laboring on her neighbor's land and begging in the town. Her son, Nikhil has a mental disability that affects him some of the time. When he can, he earns an income from fishing in the local river and pulling a rickshaw van. Together they live in a small fenced house on an average income of 54,000 BDT per annum (Euro 560), merely sustaining themselves hand to mouth.

As is often the case in Bangladesh, Nikhil's disability is not formally recognized and the household receives no support. Local doctors have been consulted on his condition, but they have been unable to reach a diagnosis. Pabitra has headed her family of six for almost 28 years now, in the absence of her husband.

Pabitra and Nikhil's livelihoods were threatened when one day, Pabitra's neighbor Subrata Mandal entered Pabitra's yard and stole their fishing net, bicycle and rickshaw vans. Nikhil watched the entire incident, but could do nothing at the time due to his disability. Without these items, the family had limited means to a daily meal. When Pabitra confronted Subrata and asked for her belongings, she denied everything.

As Subrata is influential in the community, Pabitra felt she would get no recourse from reporting the incident to the police and pursuing the formal justice system. When Pabitra learned from a local Union Parishad member of the village court service, she felt some hope. The village court could resolve the dispute for a low cost (2 BDT), and the service was available at her doorstep. Pabitra

submitted a written complaint against Subrata in the Nakole Union Parishad on 17th August 2012 claiming 19,000 BDT (Euro 195) as compensation for her belongings and lost earnings.

The Village Court heard the case on 29th August 2012 – 12 days after Pabitra filed the claim. The Court openly declared its decision, instructing Subrata to pay 16,000 BDT (Euro 165.00) to Pabitra Bala within 30 days. Subrata deposited the full compensation amount within four days of the Village Court decision. As Pabitra explained, "the Village Court Chairman was impartial... I am very happy with the decision and its quick execution". The defendant, Subrata noted, "in the village court I only spent a small amount of money. The village court resolved the dispute considering my social dignity and the demand of Pabitra Bala."

Pabitra used the compensation to restore her assets. She bought a fishing net and a bicycle, as well as two rickshaw vans – one for each of her two sons. It would not have been possible to recover her assets through any other means. On reflection, Pabitra explained:

"I was so happy with the Village Court decision, I cannot express myself. After getting the compensation, I purchased two rickshaw vans, one for each of my sons. Now, I do not need to go begging in the town. I am so satisfied."

After the case was finalized, Pabitra Bala also secured the attention of the Union Parishad to receive some assistance for her son's mental disability, under the Widow and Husband's Deserted Destitute Women, a government scheme.



# Section 3

## Lessons Learnt and the Way Forward

### LESSONS LEARNT

- ✓ The village courts have gained acceptance both with the government and the community. The legal structure of village courts is simple. The courts are local (most are within a 3 km radius of people's homes). Income is no bar to accessing the courts (with BDT 2 and BDT 4 being court fees payable for criminal and civil cases).
- ✓ The enforcement rate is high because of the restorative nature of the proceedings and the relatively low compensation awards made.
- ✓ The success of the village courts has encouraged union parishads outside of the pilot areas to establish village court services. The lead ministry has disbursed USD 0.76 million to 500 new union parishads for activating village courts.
- ✓ Amendments to the Village Courts Act have had the desired effect of increasing access to more vulnerable and poor people the village courts. However, the union parishad chairmen have been reluctant to use their increased enforcement powers afforded them by this amendment.
- ✓ Frequent changes to hearing dates due to an absence of key participants and chairmen are discouraging potential justice seekers.
- ✓ A set of updated village court rules is urgently required to maximize the benefits of the amended Village Courts Act.
- ✓ Women's participation in village court decision making processes is not satisfactory largely because both petitioners and respondents are still giving less priority to nominating women.

## RISK AND MITIGATION

### RISK:

- ✓ Village courts are authorized to deal with some cognizable offenses while police also retain the powers to investigate these cases that hamper activating village courts. Local level advocacy with police stations are going on.
- ✓ Acceptance of appeal petitions in the upper court against an absolute decision of a village court (5:0) is hampering activating village courts although there is no such provision in the Village Courts Act.
- ✓ Formal Courts take a long time in referring the cases that fall under the village courts' jurisdiction to village courts following procedure as formal courts have no legal obligation to transfer cases to the village court.

### MITIGATION:

Necessary advocacy, awareness raising activities along with close monitoring is underway to mitigate above challenges. Case Diagnostic Study conducted by an independent consulting firm made following recommendations in this line:

- ✓ A legal provision can be made to discourage formal courts and police stations to accept cases that fall under the jurisdiction of village courts. Currently there is no legal provision by which police or formal courts can reject/divert such cases. Hence, if a complaint is lodged to them they accept it. However, after framing of charge the court can decide whether it can be tried or referred to a village court. To avoid this, a circular may be issued by the competent government authority giving a clear instruction what police can do if they find a case that fall under village court jurisdiction
- ✓ A legal arrangement in procedural law can be created to encourage case referral to village courts within a reasonable time limit
- ✓ An effective supervisory system in formal courts can be created to supervise and instruct court officials to implement court orders quickly in referring cases to village courts

## Way Forward

The AVCB project will provide support to the ministry for the continuation of legal services through 351 union parishads. Policy advocacy, to update the village court rules, in light of the amended Village Courts Act, will be continued and the integration of village court issues into the government's training institutes will be further promoted. Other activities will focus on the activation of village courts' management committee, piloting of

decentralized monitoring, inspection and evaluation system and implementing of the VCMIS for monitoring of village court performance. Special emphasis will be given to capturing the lessons learned during Phase 1, the formulation of the second phase and the gradual transitioning of responsibility from the UNDP and NGOs to the local administration.



# Section 4

Statement of Expenditure and Delivery in 2014





Chart - 1: Expenditure breakdown in US\$ for year 2014

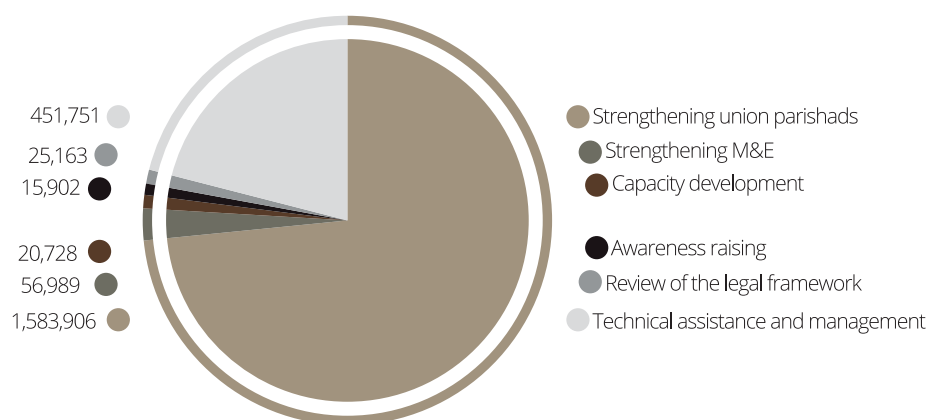


Chart - 2: Strengthening union parishads output delivery US\$

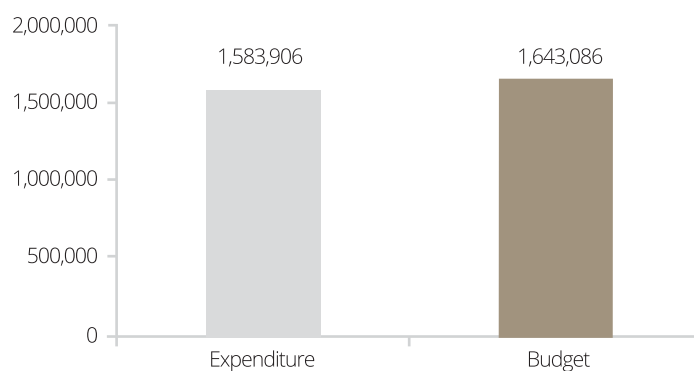


Chart - 3: Strengthening M&E output delivery US\$

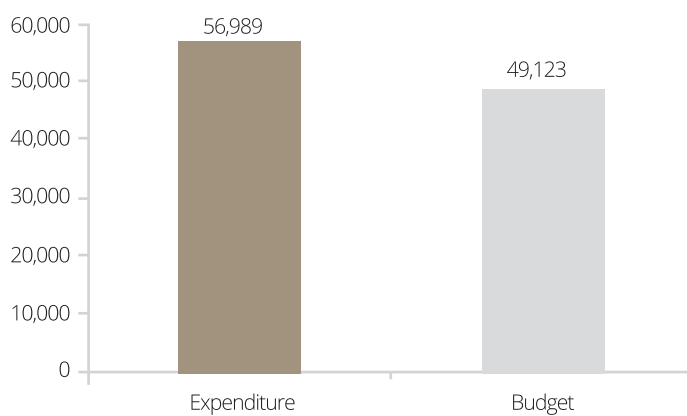


Chart - 4: Capacity development output delivery US\$

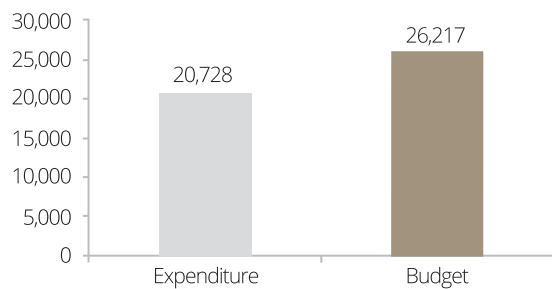


Chart - 5: Awareness raising output delivery US\$

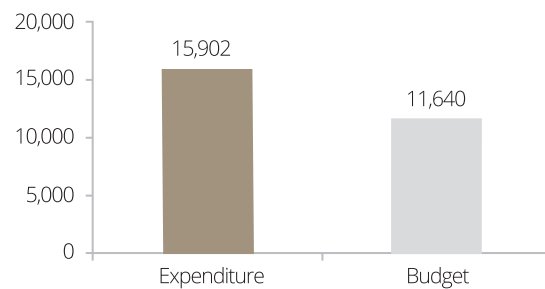


Chart - 6: Review of the legal framework output delivery US\$

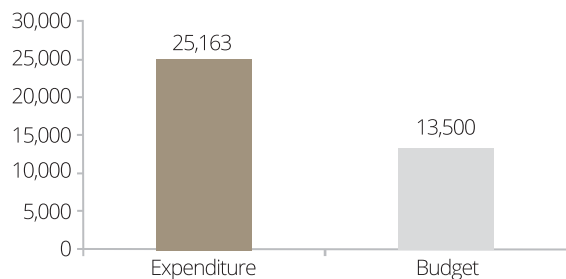


Chart - 7: Technical Assistance and Management delivery US\$

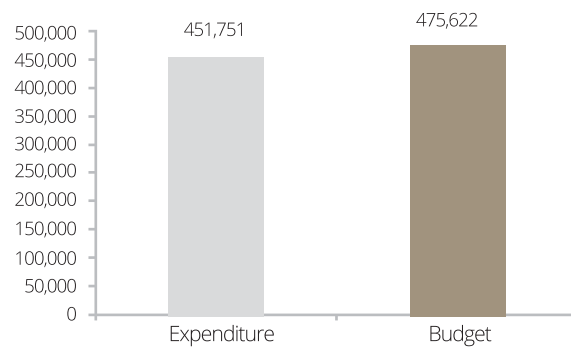


Chart - 8: Combined outputs delivery US\$

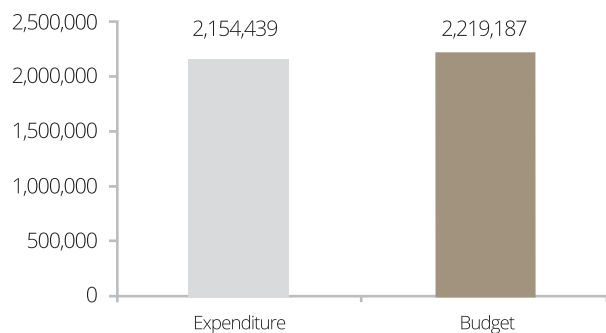
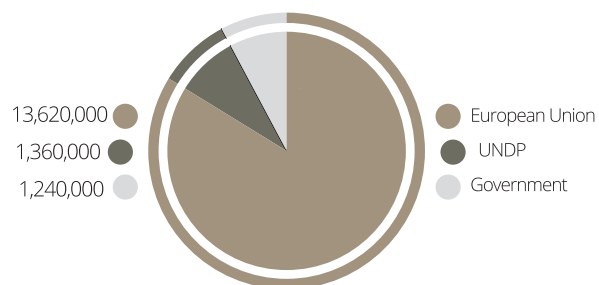


Chart - 9: Sources of financial contribution of AVCB Project (US\$)



# Activating Village Courts in Bangladesh

|                      |                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Country              | Bangladesh                                                                                                                                                                                                                                                                                                                                                                                       |
| Title of the project | Activating Village Courts in Bangladesh                                                                                                                                                                                                                                                                                                                                                          |
| Implementing agency  | Government of Bangladesh                                                                                                                                                                                                                                                                                                                                                                         |
| Implementing partner | Local Government Division, Ministry of Local Government, Rural Development and Cooperatives                                                                                                                                                                                                                                                                                                      |
| Development partners | European Union and United Nations Development Programme                                                                                                                                                                                                                                                                                                                                          |
| Other key partners   | Ministry of Law, Justice and Parliamentary Affairs<br>Ministry of Home Affairs<br>Ministry of Public Administration (previously Establishment)<br>Ministry of Finance<br>Ministry of Planning<br>Ministry of Women and Children Affairs<br>Cabinet Division<br>Economic Relations Division<br>Ministry of Information<br>Various non-government, community based and civil society organizations |
| Project duration     | January 2009 – December 2015                                                                                                                                                                                                                                                                                                                                                                     |
| Project budget       | US \$16.22 million                                                                                                                                                                                                                                                                                                                                                                               |
| Reporting period     | January – December 2014                                                                                                                                                                                                                                                                                                                                                                          |
| Report prepared by   | Activating Village Courts in Bangladesh (AVCB) Project                                                                                                                                                                                                                                                                                                                                           |
| Project's goal       | The project seeks to strengthen local justice systems in 351 Union Parishads through the establishment and activation of village courts                                                                                                                                                                                                                                                          |
| Project's objective  | To improve access to justice for disadvantaged and marginalized and enhance human rights systems, and processes in Bangladesh                                                                                                                                                                                                                                                                    |
| Contact person       | K M Mozammel Hoq<br>National Project Director, AVCB Project, and Additional Secretary, Local Government Division, Ministry of Local Government, Rural Development and Cooperatives.                                                                                                                                                                                                              |



ACTIVATING VILLAGE COURTS IN BANGLADESH  
2014 ANNUAL REPORT

Photograph, concept and design by



GREY SHACK



