



Review of Social Barriers and Limitations of Village Courts



European Union

Activating Village Courts in Bangladesh Project

Local Government Division

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



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'Activating Village Courts in Bangladesh Project' is being implemented by Local Government Division, Ministry of Local Government, Rural Development and Cooperatives, supported by UNDP Bangladesh and European Union (EU), which strives in strengthening the local justice system through activating Village Courts in selected 350 Union Parishads (UP) in Bangladesh.

REVIEW OF SOCIAL BARRIERS AND LIMITATIONS OF VILLAGE COURTS

Research Team

1. Dr. Abul Barkat, Team Leader, HDRC
2. Dr. Avijit Paddar, Consultant, HDRC
3. Shahnewaz Khan, Research Associate, HDRC
4. Dr. Rahmat Ullah, Consultant, HDRC

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Study reviewed by

Md. Mahboob Murshed, Legal Expert, Activating Village Courts in Bangladesh Project, UNDP

Local Government Division, Ministry of Local Government, Rural Development and Cooperatives hereby extends special gratitude to UNDP Bangladesh and European Union for their continuous support in bringing out this Study Report through the project titled "Activating Village Courts in Bangladesh"



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Preface

I am happy to see that a detail survey work has been initiated under ‘Activating Village Courts in Bangladesh’ (AVCB) project which is being implemented by the Local Government Division with financial and technical support of European Commission and UNDP Bangladesh respectively. Local Government Division has integrated in the project design a number of review and studies on the legal framework and related areas which are closely interlinked for making the age-old institution of village courts fully functional. It is important to identify the social barriers and limitations of village courts for making the useful amendments in the law so that all are covered under the same. From this holistic approach, reviews and surveys, both on legal framework as well as social context have been integrated in the project design which aims at bringing a significant and qualitative change in the justice delivery system for the rural poor.

In the context of existing formal judiciary of the country which is currently over burdened with more than 1.9 million pending cases for trial, access to justice for rural poor is increasingly becoming expensive and time-consuming as well. At this juncture, activation of Village Courts is immensely important as it has the huge potential of reducing the pressure of pending cases from formal judiciary and also bringing justice delivery system to people’s doorstep to a large extent. I strongly believe that the Human Development Research Centre (HDRC) has done a commendable task as the report has been based on case-studies, Focus Group Discussions, extensive field survey, analysis of comparative strength and weakness of other justice delivery system prevailing in rural Bangladesh. Local context analysis including people’s perception about village court and parameters of social norms are important in activating village courts which the report has covered in full.

The findings and recommendations, based on extensive analysis of legal framework as well as surrounding ground realities, would hopefully be instrumental in revisiting the village courts system in Bangladesh for improved delivery of justice.

(Abu Alam Md. Shahid Khan)

Secretary
Local Government Division

Acknowledgement

Village Courts in Bangladesh have huge potentials to open access to justice for the rural poor and marginalized people at relatively lower cost and lesser time and hassle. Despite its countless limitations, the institution has been playing an important role in resolving rural disputes of petty nature for more than three decades. The country's local government system has experienced many modifications and developments in the past three decades which calls for revisiting the village court system in Bangladesh in the prevailing socio-economic context. For addressing the massive backlog of pending cases in the formal courts demanding huge time and cost involved in the process, the Village Courts Act was enacted in 2006 to dispense easy and speedy justice to the rural poor people at nominal cost. In line with the spirit of this Act, the initiation of the project "Activating Village Courts in Bangladesh" by the Local Government Division is the most significant measure taken so far for strengthening this rural institution.

Human Development Research Centre (HDRC) deserves appreciations for conducting the survey on social barriers and limitations of Village Courts and preparing the Report on it. The Report reveals people's perceptions and normative barriers in accessing justice in Village Courts which would play a vital role in implementing the activities of the Project.

I would like to convey my thanks to the Project Staff on the occasion of publishing the Report, in particularly Mr. Md. Mahboob Murshed, Legal Expert and Mr. Fazle Karim, Monitoring Officer of the Project, whose professional expertise has shaped the report as a useful tool or guide to be used for making necessary interventions for removing the barriers. The project owes equally to all key informants of different levels like UP chairmen and members, officials of the field administration of the government, officials of Bangladesh Judicial Service, lawyers, and human rights activists whose views and inputs have enriched the report. Feedback received from them has been extremely useful in developing the recommendations aiming to address the social and other barriers.

Finally I express my gratitude to the Hon'ble Minister for Local Government, Rural Development and Cooperatives, Hon'ble State Minister and Secretary of Local Government Division for their full-time attention and guidance in implementing the project. I firmly believe that the Report would add a valuable contribution to the literature on local justice system in Bangladesh as well as would be helpful in activating Village Courts countrywide.



(K M Mozammel Hoq)

Additional Secretary, Local Government Division, MoLGRD&C and
National Project Director, Activating Village Courts in Bangladesh Project

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Abbreviations

ADR	Alternative Disputes Resolution
AVCB	Activating Village Courts in Bangladesh Project
BA	Bachelor of Arts
BARD	Bangladesh Academy for Rural Development
BBS	Bangladesh Bureau of Statistics
BCS AA	Bangladesh Civil Service Administration Academy
BPATC	Bangladesh Public Administration Training Centre
BSS	Bangladesh Sangbad Sangstha
CBO	Community Based Organization
CJM	Chief Judicial Magistrate
DC	Deputy Commissioner
EC	European Commission
FGD	Focus Group Discussion
GoB	Government of Bangladesh
HDRC	Human Development Research Centre
JATI	Judicial Administration Training Institute
KII	Key Informant Interview
LGD	Local Government Division
MA	Master of Arts
MoLGRD&C	Ministry of Local Government, Rural Development and Cooperatives
NGO	Non-Government Organization
NILG	National Institute of Local Government
PPS	Probability Proportionate to Size
PSU	Primary Sampling Unit
RDA	Rural Development Academy
UNDP	United Nations Development Programme
UNO	Upazila Nirbahi Officer
UP	Union Parishad
VC	Village Court
VOM	Victim-Offender Mediation

Executive Summary

Introduction

There are nearly one and a half million court cases pending with the subordinate courts across the country. The formal justice system is thus under tremendous pressure with huge workload and inadequate number of officials and staff to dispose of the cases. This backlog of pending cases is one of the crucial hurdles on way to ensuring justice to the people and good governance as well. The Village Courts (VCs) could play a vital role in settling petty disputes in the rural areas and help the formal judicial system to decrease its burden. However, lack of revitalization and proper guidance did not allow the three-and-a-half decade's old institution to serve the people as expected. On the other hand, countries like India and Papua New Guinea are getting tremendous benefit from their Village Courts. At this backdrop, the Local Government Division (LGD) of the Ministry of Local Government, Rural Development and Cooperatives (MLGRD & C) with the financial support of EC and technical assistance with financial cooperation of UNDP is implementing the 5-year (2009-2013) project on 'Activating Village Courts in Bangladesh' aimed at providing support to the Justice System through improving legal framework of village court, developing capacity of the village court members, elected representatives, support staff and village police. The project is developing implemented in 350 Union Parishads (UPs) with an intention to improve access to justice for disadvantaged and marginalized groups and enhance human rights systems and processes in the country.

To undertake the project activities substantially in the field level, local context analysis including people's perception about village courts and parameters of social norms are important issues to be considered. This study had been planned for obtaining first-hand information through authentic documentation from the field. Therefore, the broader objective of the study was to explore people's perceptions and normative barriers in accessing justice through the Village Courts.

Methodology

The study has been conducted by following a hybrid method of both quantitative survey and qualitative methods. For the quantitative survey, a statistically valid sampling approach has been adopted in selecting a representative sample of respondents. A three-stage random sampling strategy has been applied. The Unions have been considered as the Primary Sampling Unit (PSU). At the first stage, 20% of all project upazilas in each division has been randomly selected using the 'Probability Proportionate to Size (PPS)' principle. At the second stage, proportionate PSUs (Unions) have been chosen. At the third stage, a proportionate number of Households in respective Unions has been randomly chosen. The number of sample Unions has been estimated to be 57 and the number of sample households 1,406. Besides quantitative survey, information has been collected from community and local level stakeholders, and legal and social experts through qualitative methods. Altogether, 12 FGDs have been conducted (6 with male groups and 6 with female groups). A total of 36 Key Informant Interviews (KIIs) have been conducted with UP-Chairmen/members, non-member local personalities recently participating in VC-dispute resolution, and UP-Secretaries. Besides, 24 case studies have been conducted with 12 cases at the petitioners' side, and 12 cases at the respondents' side. In total, 228 tracer studies have been conducted with cases disposed by the village court during last 6 months. The field study has been conducted during September 2010 in 57 Unions of 18 Upazilas in 9 districts namely Barguna, Pirojpur, Chuadanga, Rangpur, Nilphamari, Rajbari, Faridpur, Cox's Bazar and Moulvibazar.

Respondents' Profile

A total of 1,409 respondents have been surveyed; and among them, 50.5% are male and 49.5% female. Mean age of the respondents is 39.8 years- while it is 43.7 years for male respondents, and 35.8 years for female respon-

dents. A total of 27 occupational categories have been found among the respondents with significant sex-based differences. Nearly 32% of the males are farmers/cultivators and slightly more than one-fourth (25.4%) are traders or engaged in business. The other major occupations of the male respondents are – agricultural wage-paid labour, salaried jobs, and rickshaw/van-pulling. Most of the female respondents (92.5%) are homemakers/housewives followed by 2.3% being non-farm wage labourers and only 1.1% being agricultural labourers. By their status in the local power structure, 94.9% of the respondents are ordinary villagers, 5% are village leaders (*Matbars*) and only 0.1% are UP representatives. The average land holding (other than homestead) of the survey households is estimated to be about 65 decimal. The average size of the homestead is estimated to be 10 decimals per household. The average amount of the total operated land is estimated as 73.3 decimals. A 48.3% of the households are non-farm households, followed by 43.4% and 7.9% small and medium farm-households respectively. Only 0.4% of the households are large farm-households. About 62% of the households can afford 3 meals a day round the year or almost all the days of the year, and 20% are recipients obtaining benefits from social security schemes of the Government.

A total of 128 persons have participated in the FGD sessions, of around 41% (majority) fall into the age bracket of 30-39 years. More than two-fifths of the FGD participants (45%) do not have any formal education, while a mere 13% attained education up to Grade Five. Around 45% of the participants have attended in the village court activities. More than 52% of the FGD participants are housewives and 21% are farmer.

Out of the 33 key informants, 92% are male. About 61% are chairmen and 39% elected members of the Union Parishad.

In total, 227 persons have been surveyed in the tracer study. Out of them, 67% are male. About 57% of the tracer study respondents have been party in the disputes resolved in Village Courts during the last 3 years.

Causes and Extent of Disputes

About 33% of the respondents have reported that they got entangled into disputes during the last 3 years. No significant difference between the male and the female respondents is observed in this connection. However, respondents in Dhaka division reported in highest proportions (64%) about facing disputes while respondents in Khulna division reported in lowest proportions (15%) about the same. Although the respondents had exposures to various types of disputes over the last three years, fight or quarrel between individuals (37% of the applicable households), family conflicts (27%) and conflict over land occupation (17%) were the major types of disputes. Disputes relating to land occupation are observed highest in Chittagong division (27%) and lowest in Rajshahi division (6%). Family conflict is observed highest in Rajshahi division (40%) and lowest in Sylhet division (6.5%); fight/quarrel is highest in Dhaka division (58%) and lowest in Chittagong division (14%). As steps taken to *resolve* dispute, 37% of the applicable households (12.3% of all households) sought *Shalish*, followed by 28% who just remained inactive. A 17.4% of the applicable households (5.8% of the all households) approached the Village Court for dispute mitigation.

Victim's first preference for seeking justice is *Shalish* and it still seems to be the most powerful means for dispute resolution. A failure of settlement in the village *Shalish* only permits the issue to go to the Union Parishad. A good number of cases show that the respondents do not abide by the decisions made by the Village Court when the decision is a financial remedy. This non-compliance with a decision brings harassment in the life of the petitioner. The experience of people who went to *thana/court* is merely loss of resources.

Barriers and Limitations of Village Court

A very high proportion of respondents have claimed to have heard about Village Court (67%). About 81% have reported that the village court is functioning in their locality. However, responses on various issues pertaining to Village Court like its composition, particularly value of disputed property, functioning status, etc. indicates that people mostly confuse Village Court with *Shalish*.

Only 2% of the applicable survey respondents (1.4% of all respondents) know the correct composition of the Village Courts constituted under the Village Courts Act, 2006. Dhaka division shows the highest proportion of

respondents reporting the correct composition of the Village Courts. Only 4% respondents have correctly mentioned about the valuation of the property and/or dispute that falls under the jurisdiction of the Village Court. Based on the respondent's knowledge about the composition and financial jurisdiction, a general logical inference can be drawn that absolute majority of people are still not aware of Village Courts. Therefore, making people aware about the Village Court and its various dimensions remains a major challenge of the Project.

The study findings reveal that only about 4.4 per cent respondents perceive that the Judiciary (i.e., higher courts) is more effective for seeking justice for the poor and marginalized. Seventy-two per cent still prefer *Shalish* while only 24 per cent mentioned Village Courts as more effective means for the poor and marginalized. As effective means for seeking justice for the women, highest portion of the respondents (72%) were in favour of *Shalish* followed by 18.4 per cent and only 10 per cent who viewed Village Courts and the Judiciary respectively.

As to the reasons for considering the particular means as more effective for the poor/marginalized people, about 76% of the applicable respondents prefer *Shalish* because it does not require money while 38% prefer it because it is less time-consuming. The other reasons for preferring *Shalish for the poor/marginalized*, as opined by the applicable respondents, are: *Shalish* ensures justice (23.8%), *Shalish* involves less harassment (15.8%), and good relations exist between petitioner and respondent even after the *Shalish's* decision (18.2%).

Among respondents who consider Village Court as the more effective alternative dispute resolution process for the poor/marginalized, 69.6% have reported that it requires less amount of money followed by 42.3% respondents who opined that it ensures justice. Another 39.3% prefer Village Court because it requires relatively less time to resolve dispute. The other reasons for preferring Village Court (VC) are: it does not require bribe (14.6%); and less harassment/good relations and peace prevails between the two parties or in the area (15.8%).

Among those who have considered higher courts as the more effective for seeking justice for the poor and marginalized, 72.6% have mentioned that because it ensures justice. Another 41.9% prefer it because the trial is conducted according to the rules and regulations. The other reasons for preferring higher courts include: political or party influence is not there (17.7%); and the case is conducted by some legal practitioners (14.5%).

More than half (50.7%) of the respondents viewing *Shalish* to be effective for the women, replied that it does not require money and at the same time the trial is speedy. Nearly 55 per cent of those who preferred Village Courts for them (women) mentioned similar reason (less money and speedy trial).

Weak socio-economic background has been viewed as the most crucial social barrier for seeking justice for the poor and marginalized people. Nearly 64% of the respondents have mentioned this as a barrier. A 45.2% of the respondents viewed that seeking justice of a 'bad' occurrence would hamper their family reputation/social dignity. Therefore, they do not go for seeking justice. Embargo by the guardians/superiors of family and/or community leaders is also a social barrier for poor people in seeking justice, as opined by 20.6% of the respondents. A 46.7% of the respondents think that if the victim is an opponent of the UP chairman/members, he will not get justice. Another 39% have opined that political affiliation of the victim would affect a poor person's justice seeking. About 78% of the respondents have viewed that economic status of the poor people is a barrier to seeking justice for the poor and marginalized people.

A 62% of the respondents believe that women's concern about family reputation/social dignity is a crucial barrier for them to seek justice. Another 50% respondents have reported that women's weak social status is another barrier for them to seek justice. Nearly 39% have viewed that apathy of guardians is a barrier for them to seek justice.

According to the respondents, lack of awareness of the mass people about village court and its jurisdiction is the major limitation of village court to work actively. A 55.7% of the respondents have mentioned this as the main limitation of village court. Almost half (49.6%) of the respondents have viewed that biasness, nepotism, political stand, bribe etc. of the village court officials are the main limitations of village court. Another 18% respondents have reported that local '*touts*' persuade cases to approach to higher courts. The low level of jurisdiction of village court is mentioned by 16 % of the respondents.

With regard to the steps taken to make the village court more effective, more than 62% of the survey respondents

demanding ensuring fair justice while 55% have suggested increasing awareness of the people. Another 26% of the respondents have viewed that power (authority and jurisdiction) of Village Court should be increased. The other opinions are: proper monitoring of Village Court activities by higher authority (17.2%); adequate staffing for managing the activities of the Village Court (7.5%); and infrastructure and logistic development of Village Court (5.3%).

With regard to the possible roles to be played by different stakeholders in activating village courts, 61% of the respondents have viewed that the UP chairmen and members should ensure justice in the village court. Nearly 55% of the respondents have reported that UP representatives should make people aware about village court. Sixty-eight per cent of the respondents have opined that the mass media should increase awareness of the people about village court through increased publicity. A 26% of the respondents have also viewed that the media could broadcast drama/serial on village court to enhance people's awareness.

A 42% of the respondents have suggested *uthan boithak* (courtyard session)/tea stall session on village court by different CBOs, NGOs and social organizations. Another 19% of them have also opined publishing poster/leaflet on the matter. A 41% of the respondents want the local political leaders/social elites to play role to ensure dispute resolution in the village court.

Nearly 39% of the respondents have suggested that higher courts should send the minor litigations to the village court. Another 29% of the respondents have suggested that police/*thana* should send the minor litigations to the village court. Another 35% of the respondents put emphasis on the proper and effective role of the UNO, DC and the concerned ministry in supervising and monitoring the activities of the village court. The other roles should play by these stakeholders, as opined by the respondents are: to ensure justice/ to protect the Village Court from biasness and nepotism; and to train up/brief UP-Chairmen and members etc.

Most of the legal experts interviewed are not satisfied with the existing composition of the Village Court; and they have suggested the selection of the Village Court members from neutral and locally respectable persons. Village Courts at present can entertain cases valuing up to Tk. 25,000. Considering that a good number of disputes in the rural areas originate from land-related issues and that the value of land is high, the legal experts have suggested that the pecuniary jurisdiction of the Village Courts should be increased. Considering existing limitation of its jurisdiction, the key informants have also suggested to extend the territorial jurisdiction of the Village Court. They have suggested for increased supervision and monitoring of the court proceedings and replacing the existing supervision authority by the respective Chief Judicial Magistrate. They have also suggested for increasing the logistics and manpower of the Village Court. They have suggested that there is a considerable need for ensuring execution of the verdict given by the Village Court. Another issue that is to be considered by the concerned authority, as opined by them, is associated with the allocation of budget and provisioning village court members with remuneration. They have stressed the need for ensuring appropriate procedures in the village court trials. Appropriate training of the village court members and officials is also to be ensured if it has to be effective and functioning.

A few key informants have viewed that the *Shalish* system should be integrated with the village courts. They have stressed that the *Shalish* system should be institutionalized, so that the litigants are interested to resolve disputes in *Shalish* prior to going to the formal courts. If the disputes are not resolved in '*shalish*', or any of the parties are not satisfied in the verdict of the '*Shalish*', then it should be approached in the village courts. However, they have stressed the limitations of integrating '*Shalish*' with the Village Court within the existing jurisdiction provided under the existing Village Courts Act and Rules and have argued in favour of legal reforms.

Recommendations

The study forwards the following recommendations:

- Immediate measures should be taken to ensure proper training of the UP Chairmen, Members and Secretaries particularly with regard to legal and procedural issues of Village Court;

- A post of Court Assistant should be created at each Union Parishad;
- Separate budget should be provided for Village Court;
- Monitoring and supervision of the village court proceedings should be increased, and the supervision and monitoring authority should be given to judiciary;
- Neutrality of the village court members and officials should be ensured;
- Pecuniary jurisdiction of village court should be increased;
- Village Court should be empowered to award punishment if its decision is not complied with;
- Logistic support for the court should be ensured;
- Special remuneration should be provided to the Village Court's members and officials;
- Village Court should have the power to implement its decisions by way of attachment, detention and auction sale;
- Steps should be taken to increase public awareness about Village Court;
- Provisions of pre-and-post-trial arbitration/*Shalish* may be incorporated in the Village Court Rules where members of the Village Court led by the UP Chairman as the chair will act as arbiters;
- The Government should put more emphasis on eradication of poverty, illiteracy and gender disparity in its national policies and programmes.

CHAPTER 1

INTRODUCTION

“There is no better test of excellence of government than the efficiency of its judicial system”

---(Bryce, 1921:42)

1.1 Background

Ensuring access to justice is the main prerequisite of good governance. An accountable and efficient justice sector promotes the rule of law and enhances human rights; contributes to the rise of public trust and confidence in justice system which strengthens good governance. It is revealed by research and media reports that the formal justice sector is in tremendous pressure with much workload, inadequate number of officials and staffs to dispose the cases.

As per a recent Law Commission report¹ the total number of pending cases in different Courts of Bangladesh was 19,13,633 until 1 January, 2010 and in 2009 a number of 7,19,770 cases were settled following the formal procedure. Examining data from the Courts of Dhaka and Gazipur districts the report also mentioned that the rate of settling civil cases by means of alternative means was 0% to 2.5% of the total cases filed. The Law Commission in this report asserted its concern over this large number of pending cases and urged to take immediate steps for Alternative Dispute Resolution (ADR). Barkat and Roy (2004) shows the distribution of pending litigations in different courts of the country as on December, 2000. It is to note that this study shows the number of cases pending in the village courts in Bangladesh. The findings of the authors have been presented in the table below:

Table 1.1: Distribution of litigation pending for disposal as on December, 2000

Types of Courts	No of total litigation
High Court Division	141,766
District Judge Court	402,488
Session Judge Court	73,265
Magistrate Courts	407,036
Revenue Courts	305,664
Certificate Courts	414,912
Village Courts	67,065
Total:	1,812,196

Source: Barkat and Roy (2004) from Concern Authorities².

Some recent news published in different electronic and print media, nearly one and a half million cases are pending with the lower courts across the country and hundreds of new cases are being added to this number every day. Although the exact number of cases varies among reports, the number is not fewer than 1.5 million (BSS, June 8, 2010).

¹ Report on Implementation of Alternative Dispute Resolution (ADR): Bangladesh Perspective (in Bengali). October 2010. Law Commission, Bangladesh. The report is available at: <http://www.lawcommissionbangladesh.org/reports.htm>

² Authorities include Ministries, High Court, District Administration, and Union Parishad.

Box 1.1: 15.8 lakh cases pending in lower courts across the country: Law Minister

“As many as 1,582,802 cases were pending with the lower courts across the country till January 1 last”, said Minister for Law, Justice and Parliamentary Affairs, Barrister Shafique Ahmed in the Jatiya Sangsad today. “Of them, 6,11,946 are civil cases and the rest 970,856 are criminal”, he said replying to a question raised by BNP lawmaker Nazim Uddin Ahmed.....

Source: Bangladesh Sangbad Sangstha (BSS), June 8, 2010

News available at:

<http://bssnews.net/newsDetails.php?cat=7&id=111280&date=2010-06-08&dateCurrent=2010-06-10>

Quoting the backlog of pending cases as one of the most vexed problems facing the country's judiciary, Halim (2010) depicts the scenario of this overburden based on a 2008 Supreme Court Report.

Year	Total # of pending cases
2004	764,017
2005	824,371
2006	921,509
2007	1,378,078
2008	1,826,682

Source: Halim (2010)

Halim (2010) shows that only in a span of four years the number of pending cases in the country grew almost three times. The credibility of the judiciary is at stake due to the mounting number of pending cases, delays in disposal and high cost of obtaining justice. As of 2008, almost two million cases were pending in the courts throughout the country. Cases drag for decades. The backlog and delays deny justice to litigants. Delay in the disposal of cases defeat the every purpose for which the people go to courts for redress. It gives rise to the question whether or not the litigants can seek alternative dispute resolution. Many countries, both developed and developing, including neighboring countries like India and Pakistan, got remarkable results out of alternative dispute resolution (ADR).

1.2 Disputes in Villages and Historical Evolution of Village Court

Men are social being. They live in the society together, share all their pains and pleasures to each other. Based on all else's cooperation this society is formed. It is taken for granted that people living in the village are much more intimate to each other than their urban counterparts. As the degree of intimacy is high here, the number of interactions is also high. Interactions sometimes create chaos, conflicts, undesired disputes etc. Such disputes could take place between two neighbours, individuals of the same village, individuals of two different villages and even between members of the same family. Disputes sometimes lead to conflicts, riots and consequently bring in huge man, money and resources losses. Many studies have shown how a tiny dispute between individuals or families led both of them in the process of Pauperization. Nonetheless, dissolving such disputes at the beginning in the locality could help them avoid harassments and losses.

The present legal and judicial system of Bangladesh owes its origin mainly to two hundred years' British rule in the Indian sub-continent although some elements of it are remnants of Pre-British period tracing back to Hindu and Muslim administration. Before the advent of the British in the Indo-Pak sub-continent, there was the existence of an old local government institution, the Village Panchayat. The term "panchayet" implies an assembly of five or more persons (Banglapedia: Panchayat System). During the ancient period, this village assembly or panchayet, which was either nominated by the king or elected by the people of a village, was left undisturbed in the overall management of the administration of the village. The composition of the panchayets was such that they represented different classes and castes. One of the main functions of the panchayat was to perform petty judicial cases and settle various disputes among the villagers. At the initial stage of British rule, the prevailing pattern of rural administration of Bengal was retained. No judicial responsibility to the local bodies was entrusted (Quader, 1995: 1). After promulgation of the Bengal Village Self-Government Act 1919, "Union Board" was vested with judicial responsibility. It was in this institutional vacuum that the British colonial rulers initiated a move to set up village based courts and benches under the Bengal Village Self-Government Act of 1919 (Banglapedia: 2006). These courts and benches had responsibility to deal with petty offences and disputes at the village levels under the overall supervision of the elected local functionaries (chairmen) of the village based local bodies, i.e., the union boards, formed under the same Act. In 1961, the government of Pakistan promulgated Conciliation the Conciliation Courts Ordinance, under which the Courts were also made to deal with minor offences and civil cases. In 1976, the government of Bangladesh constituted village courts in all the

unions to settle minor criminal and civil disputes. The main objective of the village courts was not to determine right and wrong and punish the wrongdoers but to find an amicable settlement of the disputes. Unfortunately however, lack of clear ideas, corrupt practices, non-cooperation among the local government functionaries and the lack of adequate powers in the hands of the local bodies continued to hinder the working of the village courts and benches since their inception (Banglapedia: 2006). During Pakistan period under the Basic Democracy Order of 1959 local government bodies were set up at four tiers viz. Union Council at Union level, Thana Council at Thana level, District Council at District level and Divisional Council at Divisional level. On average a Union comprised an area with 10,000 inhabitants and the Union Council was constituted with 10 to 15 members, Two third of the members were elected by voters and one third was nominated by the government. The system of nomination was abolished after the introduction of the constitution. The members used to elect a chairman and one vice chairman among them. In addition to the maintenance of law and order of their area, the Union Council was given 37 functions among which agriculture development, water supply, education, communications, and social welfare were included. The Union Council was also given the authority to set up conciliation court and the members were given judicial power under the Muslim Family and Marriage Ordinance of 1961. Under the Basic Democracies Ordinance, 1959 the Union Council was authorized to impose taxes on property and other sources to build its own fund in addition to existing Chowkidari fund. Government grant was given for rural works programme and for constitution of Union Parishad office.

The Union Board with partial modifications at different times remained under operation till the introduction of the Basic Democratic Order of 1959, which replaced the name of Union Board by Union Council (Quader, 1995). However, this Order did not provide Union Councils with any judicial power. Later, the President of Pakistan promulgated the “Conciliation Courts Ordinance” in 1961 which empowered the Union Council to perform petty type of civil and criminal suits (Quader, 1995: 1). The Union Council continued its judicial functions until the liberation of Bangladesh in 1971. After the independence in December 1971 the President’s Order 7 issued in 1972 by the government of Bangladesh dissolved all the existing local government bodies and appointed certain committees for performing the functions of these defunct bodies. Moreover, the name of the Union Council was changed to Union Panchayet (later renamed Union Parishad) (Banglapedia). In 1976 the Government of Bangladesh promulgated the Local Government Ordinance. Through this Ordinance the Union Parishad was entrusted with forty functions including limited judicial duties. The Village Court Ordinance provided each Union with basic authority to try cases by the village courts. Accordingly, the village courts were set to deal with petty cases.

The objectives of establishing the village courts were to settle disputes, both criminal and civil, to which villagers are the parties. It is not very easy on their part to move to the city courts to run litigation. So, if there is an arrangement for settling the disputes at the village level, the

Box 1.2: Village Court in India

In India the Gram Nyayalayas Act, 2008 has been enacted and came into force from October 02, 2009 to provide for the establishment of the Gram Nyayalayas at the grass roots level for the purpose of providing access to justice to the citizens at their door steps.

The key features of the Gram Nyayalayas Act are as follows:

- The *Gram Nyayalayas* shall be court of Judicial Magistrate of the first class and its presiding officer (Nyayadhikari) shall be appointed by the State Government in consultation with the High Court;
- The *Gram Nyayalayas* shall be established for every *Panchayat* at intermediate level or a group of contiguous *Panchayats* at intermediate level in a district or where there is no *Panchayat* at intermediate level in any State, for a group of contiguous *Panchayats*;
- The *Nyayadhikaris* who will preside over these *Gram Nyayalayas* are strictly judicial officers and will be drawing the same salary, deriving the same powers as First Class Magistrates working under High Courts;
- The *Gram Nyayalaya* shall be a “Mobile Court” and shall exercise the powers of both Criminal and Civil Courts;
- The seat of the *Gram Nyayalaya* will be located at the headquarters of the intermediate *Panchayat*, they will go to villages, work there and dispose of the cases;
- The *Gram Nyayalaya* shall try criminal cases, civil suits, claims or disputes which are specified in the First Schedule and the Second Schedule to the Act;
- The *Gram Nyayalaya* shall follow summary procedure in criminal trial;
- The *Gram Nyayalaya* shall exercise the powers of a Civil Court with certain modifications and shall follow the special procedure as provided in the Act;
- The judgment and order passed by the *Gram Nyayalaya* shall be deemed to be a decree and to avoid delay in its execution, the *Gram Nyayalaya* shall follow summary procedure for its execution;

Source: Ministry of Law and Justice (Department of Justice), Government of India.

villagers get rid of lot of troubles and extra expenses. Village courts can settle disputes quickly and with less expense. This in turn, would be helpful for maintaining a peaceful social environment in the rural areas (GOB, 1977: 80).

The decade of eighties was characterized by administrative and judicial decentralization. Magistrate Courts and Munsif Courts were shifted from districts headquarters to thana (Upazila headquarters). It was expected that decentralization of judiciary would enable village people to settle disputes at the thana level at much less cost and time than they had to incur at the district level courts. However, after the withdrawal of Magistrate Courts and Munsif Courts from Upazilas in the early 1990s, legal services and judiciary in the rural areas seemed to face crisis (Quader, 1995). Being district courts as the nearest formal courts for the villagers, the judiciary has become very expensive and it involves lengthy procedure too (Ahmed, 1993: 267-272).

At this backdrop Village Court can play significant role at the village level. Average expense of a case in the court of a thana magistrate was estimated to be a minimum of Tk. 16,511 while the maximum was Tk. 176000 (Arafunnesa, 1988: 27). As these figures were estimated more than two decades back, the current expense in the absence of Upazila courts would be much higher. Such expense is beyond the capacity of the village people.

Sometime corrupt practices by people concerned exacerbate the problem. It creates burden on the rural poor and vulnerable groups who cannot afford the expenses of cases and do not have clear understanding of how to get access to justice in the formal courts on issues which could easily be resolved at the local level by the village courts. Therefore, the importance of village court is remarkable. The underlined principle behind the village court was that the common men would get the benefit of justice through informal and inexpensive court within short period of time.

Box 1.3: Village Court in Papua New Guinea

The Village Court Act of 1973 (now replaced by the Village Court Act of 1989) came into force in 1974, and the first village court was trialed in Kainantu, in the Eastern Highlands, the same year. In modern Papua New Guinea there are now more than 1200 village courts in operation, and the system has proved to be a success, spreading into urban areas where it mostly serves the “grassroots” population in settlements and urban villages.

The Village Court Act stipulates that village court officials should be chosen by the community, and appointed for an indefinite period, the appointment being formally approved by the National Minister for Justice. Appointments can be revoked or suspended for misconduct or incapacity.

Village courts provide local communities with a readily accessible legal institution for the reasonable settlement of disputes. The village court system has proved popular with the local communities which it was intended to serve and has become institutionalized in a medial position between “customary” dispute settlement procedures and the district courts of the formal legal system.

Source: Law & Justice Sector: Village court system of Papua New Guinea

1.3 The “Village Courts Ordinance, 1976” to “The Village Courts Act, 2006”

Although there were rules for village courts and theoretically village courts existing in each of the Union Parishads of the country since 1976, they were not functional as deemed by the government. As a result revitalization of the Village Court was essential to relieve the burden of the formal courts to a great extent. The latest legal framework “The Village Courts Act, 2006” upgraded from the Village Courts Ordinance of 1976 is in place to address the access to justice issue for the village poor, marginalized, women, children and the vulnerable groups and thus reducing the pressure from the formal courts, ensuring rule of law and eventually establish good governance. The village courts are easy to access with minimal or no cost and do not have the stigma of the formal courts as UP chairmen and other members are not only known but also close to them. Village courts have other major positive and differentiating traits like its reconciliatory power, transparency and availability of evidence and proximity of place of occurrence.

1.4 Basic Legal Framework of Village Courts

According to the Constitution of Bangladesh, one of the fundamental aims of the State is to realize a society of rule of law, fundamental human rights, equality and justice. With this aim after the Independence of Bangladesh, it established Village Courts in the rural areas of the country by enacting the Village Courts Ordinance, 1976 and framing the Village Courts Rules, 1976 to ensure access to justice for the rural poor and marginalized people.

The aim of the Village Court was envisaged to settle the local disputes, both civil and criminal, locally, outside

of the hierarchy of the judiciary. The idea was to relieve the disputant parties of the cumbersome procedure of litigation under the judiciary to save time and cost, and thus to facilitate better access to justice.

At the same time it was sincerely believed that the innumerable cases of similar denomination and gravity which are to be settled by the Village Court, and many of which would have otherwise gone to the regular courts, would substantially ease the pressure on the judiciary.

The Village Courts Ordinance was a substantive law embodying the composition, function and jurisdiction of the Village Courts where the rules are procedural law explaining the procedure of functionalities and recording of the documents. The Village Courts Ordinance was in force till its replacement by the Village Courts Act, 2006. But the Village Courts Rules are still in force. As such the Village Courts of Bangladesh are established and adjudicating disputes mentioned in the Schedule (Part I on criminal cases and Part II on civil suits) within the purview of the Village Courts Act, 2006 and the Village Courts Rules, 1976 and maintain records of judicial procedure according to the prescribed forms annexed with the Village Courts Rules, 1976.

However, the Village Courts Act, 2006 has enhanced pecuniary jurisdiction up to Taka twenty five thousand of the Village Courts than that of the Village Courts Ordinance.

1.4.1 Constitution of the Village Court

The Court is constituted upon a written application [Rule 3 (1) (2)] to the Chairman of the Union Parishad against the crimes like: unlawful assembly is to commit an offence, crime against animal or cattle etc. mentioned in Part I or plaint against the offences against breach of contract, recovery of moveable property, damage to property etc. as mentioned in Part II of the schedule. The applicant has to pay Taka 2 for a criminal case and Taka 4 for a civil case as fee.

1.4.2 Composition of the Village Court

On receipt of the application the Chairman of the Union Parishad shall constitute the Village Court. The Village court will be composed of a Chairman and four members to be nominated, by each of the parties to the dispute. One of the two members to be nominated by each party shall be a member of the Union Parishad concerned. The Chairman of the Union Parishad will be the Chairman of the Village Court. He will invite the disputant parties to nominate their representatives within 7 days (Rule 10). After receipt the names of the nominees of the disputant parties he will record the matter in Form I of the registrar [Rule 7(1)].

The Chairman of the Union Parishad shall be the Chairman of the Village Court, but where he is, for any reason, unable to act as Chairman or his impartiality is challenged by any party to the dispute, and then any member of the Union Parishad other than those nominated by the disputant parties shall be the Chairman of the Court.

If either party to the dispute consists of more than one person the Chairman shall call upon the persons constituting that party to nominate the two members on their behalf, and if they fail so to nominate, shall authorize any of such person to do so, and there upon the persons so authorized shall alone have the right to nominate such members.

If any party to the dispute does not find any member of the Union Parishad to be impartial, he may seek the permission of the Chairman to nominate any other person to be a member of the Court in place of the member of the Union Parishad.

Where members required under this section to be nominated are not nominated within the prescribed time, the Village Court shall without such members, be deemed to have been validly constituted and trial shall proceed accordingly (Sec 5.)

If the application is not accepted by the Chairman, he may return the application stating in writing the causes of refusal [Section 4(1)] in such case the aggrieved party may apply to the Court of Assistant Judge to review the matter within 30 days of refusal [Rule 5(1)]. If the Assistant Judge is satisfied with the points in application he may return the application to the Union Parishad Chairman for consideration.

1.4.3 Jurisdiction of the Village Court

A Village Court shall be constituted and shall have jurisdiction to try a case only when the parties to the dispute ordinarily reside within the limits of the union in which the offence has been committed or the cause of action has arisen.

If the disputants are residing in two different Unions, Parishad then the Village Court shall be constituted in the Union, where the Offence has been committed or the cause of action has been arisen. In that case each party shall have the authority to send their nominated representative to the Village court. (Sec.6)

1.4.4 Issue of Summons

On registration of the application the UP Chairman will issue summons (Rule 8) to the respondent stating the date and time of his appearance before the Chairman. The issuance of the summons must be recorded in Form 2 for respondent and in Form 3 for witness [Rule 9 (1) (2)].

1.4.5 Decision of the Court and its Review

If the judgment of the court is made unanimously or (4:1) majority or out of four members appeared 3:1 majority then the decision of the court is binding upon the parties [Sec. 8(1)]. The decision must be signed by the Chairman of the Village Court and be recorded in Form 4 of the Rules (Rule 20). If the decision is made by simple majority i.e., 3:2 then the aggrieved party may appeal to the Court of First Class Magistrate having such jurisdiction in case of criminal matter or to the Court of Assistant Judge having such jurisdiction in case of civil matter within 30 days from the date of decision [Sec. 8 (2)].

If the Court of Magistrate or Assistant Judge convinced that justice has not been done, he can set aside or modify the decision or can send back the dispute to the Village court for review [Sec. 8 (3)].

If the village Court awards any decree it must be registered in Form 5 of the register [Rules 21 (1)]. When the decision imposes any compensation to any party it also has to be register in Form 5. When the imposed fine is paid, according to the rule 25(2) it must be registered in Form 7. In case of recovery of the imposed fine it must be recorded in Form 6 of the Rules. If the Village Court fails to recover any fine then it can forward with its recommendation to the Magistrate by recording in Form 9 (Rule 30). When the recovery amount is considered as pending revenue to be collected by the UNO then the Chairman of the Village Court refers it to the UNO recording in Form 8 of the register (Rule 29)

1.4.6 Power of the Village Court

- i) The Village Court to award compensation in respect of an offence specified in Part 1 and II of the Schedule and may order the accused to pay compensation of an amount not exceeding twenty five thousand taka. (Sec. 7).
- ii) The Village Court may penalize up to Taka 500 for contempt of the Court. (Sec.11).
- iii) Permit the party to be represented through duly authorized agent (Sec.15).
- iv) Matter relating to public interest and justice can be referred to the Courts of Magistrate without adjudicating by itself. (Sec.16)
- v) Can recover the compensation by applying the Public Demands Recovery Act, 1913 [Sec.9 (3)].
- vi) Can reject application on reasonable ground. (Sec.4)
- vii) Can recover fine and deposit in the account of the Union Parishad (Sec.12)
- viii) The Village Court has to submit it's half-yearly report on adjudicating cases to the Upazila Wirbahi Officer (UNO) and record it in Form 10 of the register.

1.5 Activating Village Courts Project in Bangladesh

In line with ensuring good governance, efficient and stable justice sector is indeed inevitable. In this context, Bangladesh is much lagged behind as the formal justice system in the country is under tremendous pressure with much workload and inadequate number of officials and staff to dispose of the cases. Sometimes corrupt practices by people concerned create much problem in dealing with cases in various courts. As a result, the case backlogs add up to the existing pending cases and at present it stands one and a half 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.

Based on these facts and background, the Local Government Division (LGD) of the Ministry of Local Government, Rural Development and Cooperatives (MLGRD & C) with the financial support of EC and technical as well as financial assistance of UNDP is implementing the 5-year (2009-2013) project “*Activating Village Courts in Bangladesh*” aimed at providing support to the justice system through developing capacity of the village court members, elected representatives, support staffs and village police.

The project is being implemented in 350 UPs of Bangladesh where review of legal framework of Village Court and capacity development including training, awareness raising and motivation campaign are the important components among others. The UP elected representatives, village court staff, village police, CBO members are the most important stakeholders for the entire project intervention.

1.5.1 Objectives of the Project

The project aims at strengthening a system of alternative dispute resolution in 350 UPs 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. The specific objectives of the project are:

- 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 Court.

1.5.2 Project Activities

Review of Legal Framework: The project will review the existing legal framework of Village Courts in-depth and submit the analytical and pragmatic recommendations to government for ensuring functional and effective village courts. An institutional assessment will be carried out in every six months for identifying gaps and necessary actions in view to activating village courts.

Capacity Development: It will support to enhance the capacity of the local representatives especially UPs, village police, staff of village courts and judges through training, workshops, etc at national and international level. Strong partnerships will be built amongst with BCS AA, BPATC, JATI, NILG, BARD, RDA etc. through workshops, meetings and other activities.

Advocacy & Communication: It will conduct a comprehensive awareness program in community at local and national level on legal rights i.e. services of village courts with right based

Division	Upazila	Union
Barisal	13	90
Khulna	9	59
Sylhet	10	72
Rajshahi	13	88
Chittagong	11	55
Dhaka	21	136
Total	77	500

approach following the project communication and advocacy strategy. Using all the potential communication tools, the advocacy and communication activities will be carried out to sensitize all the actors in a bid to activating the Village Courts for ensuring the justice for the marginalized.

Monitoring and Evaluation: In strengthening monitoring process and activities in emanating best practices of local government institutions especially UP in perspectives of running Village Courts effectively, the project will support to LGD, MoLGRD&C through initiating comprehensive interventions.

Intended Outputs: The expected outputs of the project are:

- 500 selected UPs are strengthened for activating village courts;
- Village courts legal framework reviewed;
- Capacity of UP Chairman, UP staff and village police on village courts developed;
- Awareness on village courts raised and involvement of community people and other key stakeholders in activating village courts enhanced;
- Monitoring and supervision function within MoLGRD&C enhanced.

1.6 Objectives of the Study

1.6.1 Overall objective

To undertake the project activities substantially in the field level, local context analysis including people's perception about village courts and parameters of social norms are important to consider. Therefore, this study has been planned for having first-hand information with authentic documents from the field. Thus, the broader objective of the study is to explore people's perceptions and normative barriers in accessing justice from village courts.

1.6.2 Specific Objectives

The specific objectives to meet by the study are:

- ✓ What are the prime factors responsible for spiraling local petty disputes into larger conflict;
- ✓ Why don't people feel confident about the Village Courts;
- ✓ How effectively peoples and Village Court officials could be motivated for better functioning of Village Courts;
- ✓ What are the missing link between village courts and community awareness;
- ✓ What are the social and normative barriers in accessing local justice services particularly Village Courts;
- ✓ What are the limitations village courts face in delivering justice services to the community peoples;
- ✓ How does the Village Courts can facilitate restorative justice mechanism at local areas; and
- ✓ Pros and cons of overseeing role of Village Courts by the community people.

1.7 Scope of Works

To meet the overall as well as all the specific objectives, the study has made attempts to understand the following aspects:

- Social barriers in establishing restorative justice in the rural area by the Village Court;
- The nature, extent and root causes of criminal offences and civil disputes in the rural areas;
- Causal relationship between socio-economic status and nature of disputes/conflicts;
- The nature and impact of outside influence on the Village Courts, e.g. local elites, politicians, police etc.;

- Whether *Shalish* should be integrated with the Village Court;
- Status of local organizations providing legal awareness and aid;
- What are the specific barriers for women to seek justice in Village Court;
- The rate of implementation of the decision of the Village Court;
- The apparent social barriers to implement the decision of Village Court;
- The adequacy of the powers and jurisdiction of Village Court;
- Whether Village Court should be given the jurisdiction over the Arbitration Council to be constituted under the Family Laws Ordinance, 1961;
- What kinds of offences should be tried by the Village Court;
- Whether justice provided by the Village Court should be restorative or punitive;
- The state of biasness of VC officials including the UP Chairmen;
- Accountability and transparency issues;
- The acceptability of Village Court among the rural people;
- The awareness about Village Court among the rural people and VC officials;
- Capacity assessment of the Village Court officials;
- How effectively judicial officers and administration should be involved in Village Court activities;
- The effectiveness of Village Court;
- The limitations and prospects of Village Courts; and
- Number and capacity of CBOs/individuals working with local judicial process.

2 CHAPTER

METHODOLOGY

The study has been conducted as a hybrid method of both quantitative survey and qualitative methods. Data/information generated through quantitative survey and qualitative methods have been processed separately and at the stage of the analysis both quantitative and qualitative findings have been appropriately triangulated.

2.1 Sample Design for Quantitative Survey

A statistically valid sampling approach has been adopted in selecting a representative sample of respondents for the study. The Activating Village Courts in Bangladesh Project covers 500 Unions of 77 Upazilas in the 6 Divisions.³ Based on information in the latest statistical yearbook and Bangladesh Population Census of 2001, the estimated population size in the Project area is 17,471,475. For obtaining a representative sample size of the households, a probabilistic sampling approach with a **three-stage** random sampling strategy has been applied. The Unions have been considered as the Primary Sampling Unit (PSU). At the first stage, 20% of all project Upazilas in each Divisions has been randomly selected using the PPS principles. At the second stage, proportionate PSUs (Unions) have been chosen. Within each survey divisions, Unions have been selected according to the proportionate distribution of Unions in the Project Catchment areas. At the third stage, proportionate number of households in respective Unions has been randomly chosen. The (details of the sampling strategy is provided in Annex A). The number of sample Unions has been estimated to be 57 and the number of sample households 1,406.

2.2 Qualitative Study Design

Besides quantitative survey, information has been collected from community and local level stakeholders, and legal and social experts through qualitative methods. Altogether 12 FGDs have been conducted (6 with male and female groups each). It is worth mentioning that the FGD participants have been chosen from two categories of households: (i) who recently experienced some disputes and went to village court, and (ii) who recently experienced some disputes but did not went to village court. In total, 36 Key Informant Interviews (KIIs) have been conducted with UP-Chairmen, UP-members and UP non-member local personalities who recently participated in the Village Court dispute-resolution, and UP Secretaries. Semi-structured guidelines have been used for conducting the KIIs. Apart from FGDs and KIIs, a total of 22 case studies have been conducted with 11 cases of petitioner side, and 11 cases of respondent sides. The research teams have documented the cases using the semi-structured guidelines. Besides, 228 tracer studies have been conducted (4 from each sample Union). The field team has collected the list of cases disposed by the village court during last 6 months and selected 4 cases randomly from each Union. A semi-structured guideline has been used to document each of the interviews related to tracer studies.

Table 2.1: Sample sizes by district, upazila, and union

Division	District	Upazila	# of Union	HH survey	FGD	KII	Tracer Study	Case Analysis
Barisal	Barguna	Barguna Sadar	3	78	1	2	12	1
		Amtali	2	50		1	8	1
	Pirojpur	Pirojpur Sadar	2	50	1	1	8	1
		Vandaria	3	75		2	12	1
Khulna	Chuadanga	Chuadanga Sadar	4	97	1	3	16	2
		Damurhuda	3	72	1	3	12	2

³ At the initial stage the Project area comprised 500 Unions, 77 Upazilas in the 6 Divisions. But subsequently the area was changed to 350 Unions, 56 Upazilas in the 6 Divisions with the approval of the Project Steering Committee.

Rajshahi	Rangpur	Rangpur Sadar	2	47	1	2	8	1
		Mithapukur	3	79		1	12	1
	Nilphamari	Nilphamari Sadar	3	76	1	1	12	1
		Syedpur	2	49		2	8	1
Dhaka	Rajbari	Rajbari Sadar	3	71	1	2	12	1
		Pangsha	5	118		1	20	1
	Faridpur	Faridpur Sadar	4	95	1	1	16	1
		Madhukhali	4	95		2	16	1
Chittagong	Cox's Bazar	Cox's Bazar Sadar	3	75	1	3	12	2
		Chakoria	3	79	1	3	12	1
Sylhet	Moulvibazar	Moulvibazar Sadar	5	124	1	3	20	2
		Sreemangal	3	79	1	3	12	1
All			57	1,409	12	36	228	24

Map of Study Area



2.3 Implementation and Data Management

The field data collection has been conducted in 57 unions of 18 Upazilas in 9 districts. The survey districts are: Barguna and Pirojpur districts in Barisal Division; Chuadanga district in Khulna Division; Rangpur and Nilphamari districts in Rajshahi Division; Rajbari and Faridpur districts in Dhaka Division; Cox's Bazar district in Chittagong Division; and Moulvibazar district in Sylhet Division. Field data has been collected during 20-31 September, 2010. A total of 45 Research Assistants accomplished the data collection process. The whole field work has been implemented by 9 field teams. Each team comprised 5 members with one Supervisor and 4 Enumerators. Before starting the field survey, a four days' training of the research assistants was conducted at HDRC office.

The data management activities comprised of maintenance of the filled-in data collection instruments, data processing (coding, code verification, editing, verification of editing, categorization of open-ended questions, preparation of code manual etc.). Computer entries of the quantitative information have been carried out in-house. SPSS and Excel were used to enter, edit and analyze data.

3 CHAPTER

RESPONDENTS' PROFILE

This chapter presents the characteristics of the respondents including demographic characteristics of the survey respondents; socio-economic characteristics of the survey households; profile of participants in the FGDs; and profile of the key informants. Section 3.1 presents the demographic characteristics of the survey respondents including their age structure, sex and occupational status. Section 3.2 presents socio-economic status of survey households including household food security status, land ownership and social security status. Section 3.3, 3.4, and 3.5 present the characteristics of the FGD participants, key informants, and tracer study respondents respectively.

3.1 Survey Respondents: Social, Economic, Demographic Characteristics

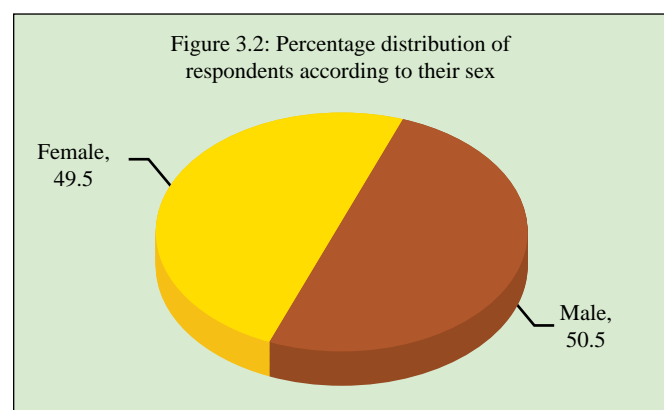
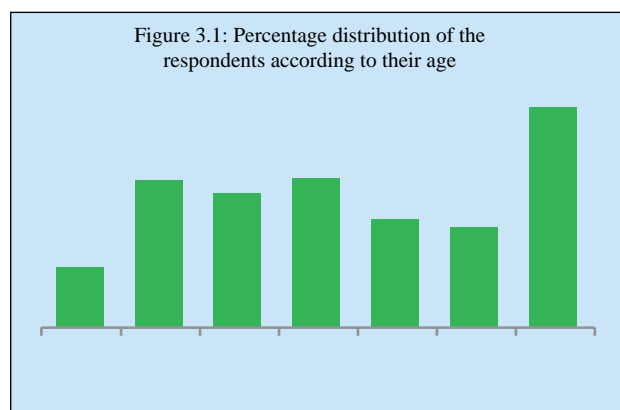
3.1.1 Age Structure

Analysis of age structure of the survey respondents shows that about one-fourth (24.1%) of them (both male and female) belong to the age group of 50 years and over. Slightly more than 16% are in the age group of 35 to 39 years while exactly 16% are in the age group of 25 to 29 years. Only 6.5% are in the age group of below 25 years. Regardless of sex, the mean age of the respondents is 39.8 years while the mean age of the male and female respondents is 43.7 and 35.8 years respectively (Figure 3.1, Annex Table 1). Age distribution of the respondents by surveyed divisions shows that the mean age ranges between 38.1 years in Chittagong and 41.1 years in Sylhet.

3.1.2 Sex Distribution

The sex distribution of the respondents shows that male-female ratio is almost equal (shown in Figure 3.2). A 50.5% of the respondents were male while the remaining 49.5% were female. Divisionally, the male-female ratio of the respondents were 49.6% and 50.4% in Barisal, 50.3% and 49.2% in Chittagong, 50.8% and 49.2% in Dhaka, 53.3% and 46.7% in Khulna, 51.2% and 48.8% in Rajshahi, and 49.5% and 50.5% in Sylhet (for detail see Annex Table 2).

3.1.3 Occupational Status



The study was undertaken in the rural areas of Bangladesh and almost half of the respondents were women whose mean age was estimated at 35.8 years. As a result, home-making was found as the sole major occupation of the respondents. As data reveal, 45.8% of the respondents (who are, in fact, 92.5% of the female respondents) are home-makers followed by 16.5% farmer/cultivator (who are, in fact, 31.9% of the male respondents). Although as many as 27 types of occupations were found among the respondents, most of them are not remarkable in terms of number of people under each of them. After

home-making and farming, the other major occupations (regardless of sex) are business (13.1%), agricultural labor (4.5%), salaried job (3.5%), non- agricultural labor (3.2%), shop keeping (2%) etc. However, sex-wise distribution of the occupations shows that 25.4% of the male respondents are engaged in business against only 0.4% of their female counterparts. A 7.9% of the male respondents are agricultural labourer whereas only 1.1% of the females do such works. For salaried job the engagement of the male and female respondents is 6.3% and 0.6% respectively. Such differences between the male and the female respondents are also observed for the other major occupations mentioned above. Five major male-dominant occupations are farming (31.9%), business (25.4%), agricultural labour (7.9%), salaried job (6.3%) and non-agricultural labour (4.1%). On the other hand, five major female-dominant occupations are home-making (92.5%), non-agricultural labour (2.3%), agricultural labour (1.1%), farming (0.7%) and salaried job (0.6%) (See Annex Table 3 for detail).

3.2 Socio-economic Status

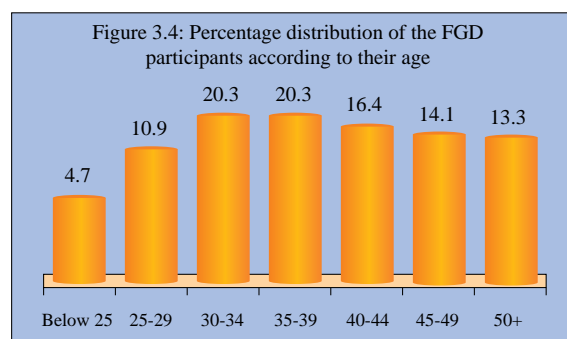
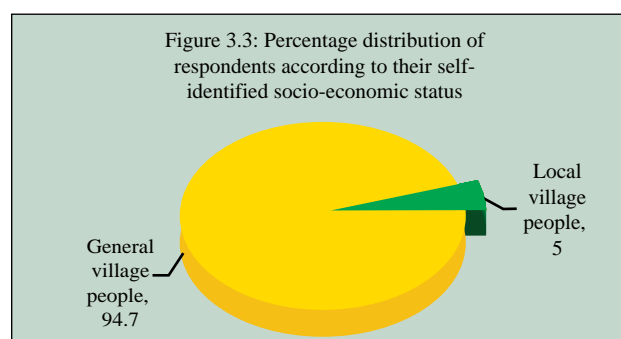
During survey respondents were asked to assess their status in the power structure according to some given category. It is reported that a large majority of the respondents (94.7%) are general village people followed by only 5% being local village leader (*Matbar*) (Figure 3.3). The remaining 0.3% is UP members, president of school governing body and member of gram police etc. If the respondents' sex is taken into consideration, 9.8% of the male are from local village leaders whereas only 0.1% of the female respondents hold such positions (see Annex Table 4).

3.2.1 Land Holding

Landholding is traditionally viewed as an important indicator of the socio-economic status of people especially for a country like Bangladesh. During survey respondents have been asked to report on the amount of land owned by their respective households. More than 43% of the households belong to non-farm category with the amount of land less than 0.04 acres. About 48% belong to small-farm households (with operated land 0.05-2.49 acres), 7.9% belong to medium farm household (with operated land 2.5-7.49 acres), and only 0.4% households are large farm households (operated land 7.50 acres+), (Annex Table 6 and Annex Figure 1). The average-land holding size is estimated to be 65 decimal owned land, 73.3 decimal operated lands, and 10 decimal homestead land (Annex Table 5 and Annex Figure 2).

3.2.2 Food Security and Benefit from Safety Net

Sixty-two (62) per cent of the surveyed households can afford 3 meals a day round the year or almost all the days of the year. It is about 14% of the households who cannot afford 3 meals for 2-3 months and 5% who cannot afford 3 meals for 6 months. About 6% households cannot afford meals during most of the days of the year (Annex Table 7). About 80% of the respondent households are not benefit-recipients of the social safety net programmes of the government. The remaining (20%) households are receiving some sorts of benefits (Annex Table 8). Therefore, it can be said that the survey respondents have been selected fairly from typical rural households comprising all segments.



3.3 Profile of FGD Participants

Out of a total of 128 participants in the FGD sessions, around two-fifths (40.6%) belong to age group 30 to 39 years (Figure 3.4). About 45% of the participants do not have any formal education. About 36% of them attended primary school with 12.5% participants who attended up to class 5. Another 9.4% of them studied up to junior secondary level (i.e., class 8) and only around 1% of them studied up to SSC and HSC each.

(Figure 3.5), (see Table 4 in Annex C1).

Almost half (45.3%) of the FGD participants have reported that they have attended in the Village Court activities (Figure 4 in Annex C1). Over half (52.3%) of the participants are engaged in household work, over one-fifth (21.1%) are farmers and 13% are businessmen (Figure 5 in Annex C1).

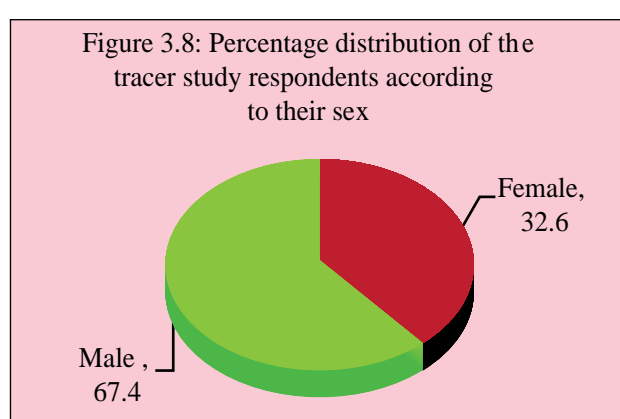
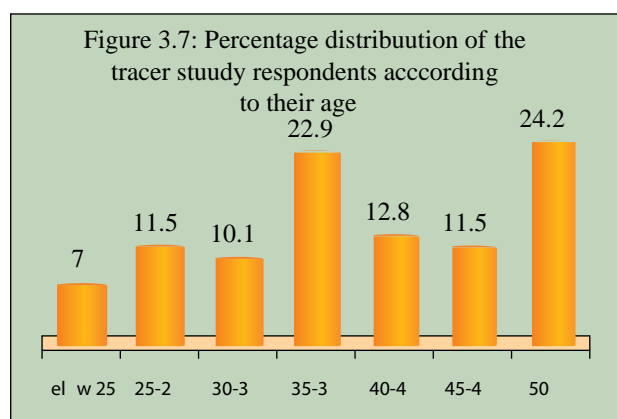
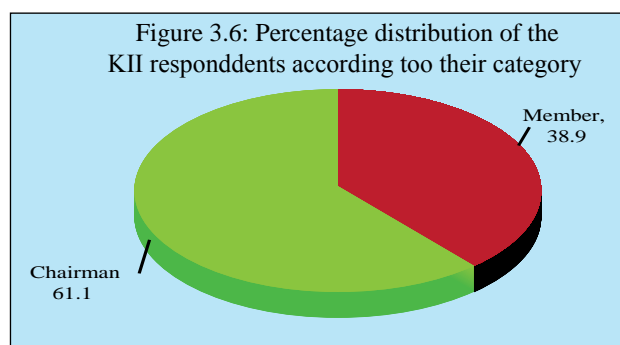
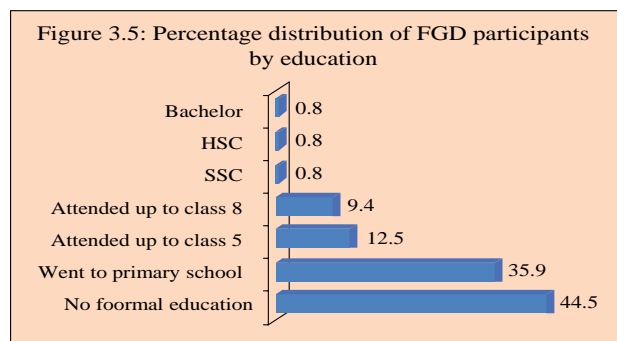
3.4 Profile of Key Informants

Out of 36 key informants interviewed in the survey, 61% are Chairmen and 39% members in the Union Parishad (Figure 3.6). Over 24% of them belong to the age group 50 years and above followed by another 23% who fall between 35 and 39 years and 6% below 30 years. Almost all of the key informants (91.7%) are male (Figure 6 in Annex C1). More than one-third (36.1%) have passed HSC and with 33% having education up to class ten. About 10% have passed BA/MA (Figure 8 in Annex C1).

3.5 Profile of Tracer Study Respondents

3.5.1 Age

Out of 227 respondents surveyed in the Tracer study, one-fourth (24.2%) are in age group 50 years and over. Over one-fifth (22.9%) are in the age group of 35 to 39 years. Around 12.8% are in 40 to 44 years. Respondents in the age group of 25 to 29 years and 45 to 49 years constitute 12% both. Only 7% of the respondents fall below 25 years of age (Figure 3.7).

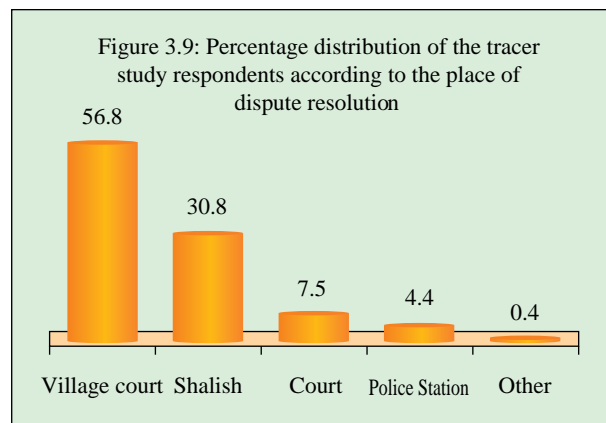


3.5.2 Sex

Male-female distributions of the respondents shows over two-third (67.4%) are male and 33% female (Figure 3.8).

3.5.3 Participation in Dispute Resolution

According to the survey design, respondents in the tracer study are those who have been party in the disputes resolved during last 3 years. Among them, more than half of the respondents (56.8%) have been party in the disputes resolved in village court. Around 30% have been party in the disputes resolved in 'Shalish', followed by 8% in disputes resolved in court, 4% in disputes resolved in Thana (Figure 3.9).



Comments: The respondents are of quite mature (i.e. appropriate age group) to share their experience and/or perception on various aspects pertinent to village court. The sex composition of the respondents was also of acceptable level. However, some minor variations in the respondent's background profile have been found across the divisions. Almost all the female respondents are home-makers, while among the males various typical rural occupations have been reported. The study reflected the opinions of the common rural people (proportion of social elites/opinion-makers was less than 5%). According to land holding size, most of the respondents belong to households between marginal and poor. About four-fifths of the respondents are not covered by any safety net program. Therefore, it can be said that the survey respondents have been selected fairly from typical rural households comprising all segments.

4

CHAPTER

CAUSES AND EXTENT OF CRIMINAL OFFENCES AND CIVIL DISPUTES

4.1 Extent of Criminal Offences and Civil Disputes

As reported in the study, about one-third (33.4%) of the respondents have been experiencing some sort of dispute for the 3 years preceding the field work. Distribution of responses by sex shows that men and women are almost equally involved in disputes. About 33% males and 34% females were reportedly involved in any kind of disputes – civil or criminal. At the time of the baseline study, only around one in five respondents (19%) stated were to have faced disputes⁴.

Division-wise data reveals that the exposure to disputes is the highest in Dhaka division (64.4%) and the lowest in Khulna division (14.8%). It is around 23% in Barisal, 46% in Chittagong, 42% in Rajshahi and 23% in Sylhet (Annex Table 9).

Table 4.1: Distribution of respondents by whether or not experiencing disputes (%)

Whether experiencing any dispute	Male	Female	Total
Experienced disputes	32.6	34.1	33.4
Did not experience any sort of dispute	67.4	65.9	66.6
Total	100.0	100.0	100.0
N	712	697	1,409

Source: Field survey

4.2 Types of Dispute Faced

Villagers in the survey area are reported to be experiencing various types of dispute, which can be broadly divided into civil disputes and criminal offences. Data relating to the types have been presented in Table 4.2. It appears from the table that more than 9 out of 10 villagers experiencing disputes/offences reported that they faced criminal offences in the 3 years preceding the survey work. Among the criminal offences, various main types of offences involved were: fight/quarrel (37%), family conflict (27%), violence against women (6%), physical assault (5%) etc. Civil disputes, as reported, were faced by about 44.7% of the respondents experiencing disputes. Among the civil cases, property-related disputes mainly involved land occupation (17%), demarcation (8%), and selling and purchasing (6%).

Division-wise data depict that disputes related to land occupation is the highest in Chittagong division (27%) and the lowest in Rajshahi division (6%). Disputes relating to demarcation of land are the highest in Sylhet division (15%) and the lowest in Dhaka division (2%). Disputes related to selling/purchasing of land are the highest in Barisal division (7.9%) and the lowest in Dhaka division (2%). Numbers of family conflicts are the highest in Rajshahi division (40%) and the lowest in Sylhet division (6.5%). Cases related to fights/quarrels are the highest in Dhaka division (58%) and the lowest in Chittagong division (14%). Disputes- related to violence against women is the highest in Chittagong division (11%) and the lowest in Dhaka (2%). Dowry-related disputes are the highest in Rajshahi division (10%) and the lowest in Sylhet division (2.2%); and physical assault-related disputes are the highest in Chittagong division (10%) and lowest in Barisal and Rajshahi divisions (2%).

In this context it is worth mentioning that the main reasons of disputes identified during the baseline were land-related problems (55%), women violence (55%), family problems (12%), divorce-related problems (7%), and ownership of trees (3%)⁵.

⁴ GOB, MoLGRD&C. Activating Village Courts in Bangladesh Project, Baseline Survey on Village Courts in Bangladesh, 2010.

⁵ GOB, MoLGRD&C. Activating Village Courts in Bangladesh Project, Baseline Survey on Village Courts in Bangladesh, 2010.

Table 4.2: Distribution of respondents by type of disputes faced (% , multiple responses)

Type of dispute	Applicable households	All households
Civil Disputes		
Land occupation	16.8	5.6
Demarcation of land	8.3	2.8
Selling and purchasing of land	5.5	1.8
Distribution other property	3.6	1.2
Other civil disputes	10.5	3.5
<i>Sub-total</i>	<i>44.7</i>	<i>14.9</i>
Criminal Offences		
Fight/quarrel	36.6	12.2
Family conflict	27.0	9.0
Violence against women	6.4	2.1
Physical assault	4.9	1.6
Dowry	4.0	1.0
Other criminal offences	13.1	4.4
<i>Sub-total</i>	<i>92.0</i>	<i>30.3</i>
N		

Source: Field survey

Of the total respondents facing disputes, only slightly over 70% reported that they took some steps to *resolve* these disputes at various places. With regard to the steps adopted, petitions to the UP Chairman accounted for only 17% of the total respondents.

Table 4.3: Distribution of respondents by steps taken to resolve disputes (%)

Steps taken	Applicable households	All households
Sought <i>Shalish</i> /Arbitration	36.8	12.3
Applied to UP Chairmen	17.4	5.8
Went to higher courts	11.5	3.8
Went to Police Station	6.2	2.1
Did not take any step	28.1	9.4
Total	100.0	33.4
N	712	697

Source: Field survey

4.3 Types of Disputes: Findings from FGDs and Case Studies

In addition to the household survey- case studies, focus group discussions (FGDs), and key informant interviews were conducted, as important components of the qualitative survey, in order to find out and analyze the issues, causes and extent of criminal offences and civil disputes. The case studies were conducted on households who had visited the Village Court as petitioners or respondents over any dispute in the recent past. As a result, the case studies provide a realistic picture of the kinds of dispute taking place in the rural Bangladesh and their subject matters, victims' movements for seeking justice and their experience, and the extent of such disputes. On the other hand, the participants in focus group discussions also provided information on the issue including their experiences. Such discussions also provided the merits and demerits of different institutions- both formal and informal- in providing judicial service to the rural people. Analyzing the case studies and FGDs, the following types of criminal offenses and civil disputes have been found to be prevalent in the study unions:

- Quarrel over distribution of inherited land between close relatives
- Quarrel over delay in handing over assets (land, cattle etc) to buyer
- Breach of land mortgage conditions
- Denial of receipt of money for selling assets
- Dispute over demarcation of land
- Realization of money (delay or denial of repaying loan with or without interest)
- Cheating of households by taking advance money to send someone abroad for job
- Quarrel between two women over their children's fight
- Quarrel between two households over one's cattle/poultry destroying another's crop
- Theft of cattle, crops, fruits from orchard, fish from pond etc
- Physical assaults over different disputes
- Killing or capture of other's cattle/poultry
- Wife beating/torture by husband
- Confinement of wife at her father's house
- Divorce and claim of alimony (for children)
- Claim of dowry money and torturing wife for dowry
- Love affair/elopement of young boys and girls
- Remarriage of husband without first wife's consent
- Extramarital relationship of husband/wife
- Extramarital love affair by cellular phone
- Stigmatizing wives whose husbands are abroad
- Eve teasing etc.

"There are two main issues from which most of the disputes evolve in the rural areas—Beti (women) and Mati (land). These two subjects would be related with all quarrels."

A FGD participant at Kanakpur UP, Moulvibazar district

4.4 Extent of Disputes and Means of Remedy Applied

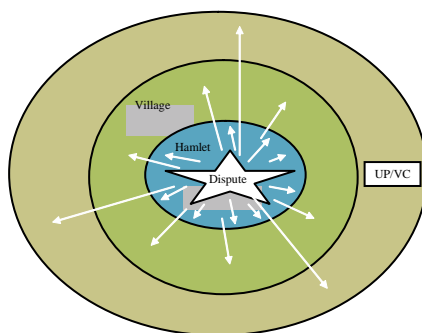
The case studies and FGDs reveal that although the issues in most of the cases are very trifling, their consequences become severe. Some of the case studies clearly demonstrate that even a victim of a dispute whose loss would amount at best Tk.5000 had spent more than Tk.50,000 to settle the dispute and finally gained nothing. Some issues, however, went to the local *thana*/formal courts and have been pending for years.

According to the view of most of the case study respondents and FGD participants, *Shalish* (within the kin or hamlet) is still the first preference of the people living in rural areas. Whatever occurrence takes place, the victim, at first, knocks the door of the hamlet/ community leaders for its settlement. If the hamlet level *Shalish* fails to settle the dispute only then the petitioner/respondent goes to the relatively bigger *Shalish*—the village level *Shalish*. A failure of settlement in the village *Shalish* only permits the issue to go to the Union Parishad (UP). It is not necessary that the UP always settles disputes through a Village Court. Due to procedural requirements and limitations, the UP also arranges *Shalish*. The first two means of dispute settlement (hamlet and village) exist like two strong enclosures that a villager can hardly ignore (see figure 4.1). The traditional practice of the rural people is also to resort to these institutions. The subject matter of the dispute is also an important consideration for deciding the means of settlement. If the matter is about family dispute, conjugal maladjustment, elopement etc. where the prestige of the family/kin is related- the settlement process must take place at the first two enclosures. Rural people do not prefer their family matters reaching out of their hamlets or villages. There is a pressure from both the petitioner/respondent and the hamlet/village to settle their disputes

within the respective hamlet or village. However, if the dispute is about money or other tangible assets, the UP or its representatives get involved in the conflict resolution process. Based on the findings of the case studies and FGDs about the nature and extent of disputes and steps taken to *resolve* the disputes, the following concluding remarks can be made:

- Victim’s first preference for seeking justice is *Shalish*; and *Shalish* still seems to be the most powerful means for dispute resolution. *Shalish* cannot make decisions in most of the cases if the dispute issue is related to a good amount of money (usually around more than Tk. 20,000).
- If settlement of disputes fails at *Shalish*, the victims involve the Union Parishad or go to the police or formal courts.
- The experience of those who went to the police or formal courts is not satisfactory. Some cases show that the victim went to the formal court- but they are yet to get verdict even after two to four years. Whereas the value of the disputed issue was only Tk. 20,000 to Tk. 50,000- they have already spent double of that amount of money to get justice. Some cases show that after spending so much resource and time, the court’s verdict went against the petitioner.
- Some cases show that the court sent the case after two or three years back to village court for settlement.
- A good number of cases show that the respondents do not abide by the decisions made by the village court when the decision is a financial remedy. Although the respondents agree with the decision at the court- finally they do not pay the remedy, delay in payment of the compensation or breach the words in other means. According to many of the case study respondents, such non-compliance by the respondent brings additional losses to them. They need to knock the respondent again and again and to go to the UP and spend money. For example, a petitioner at Durgapur UP of Rangpur district said after his bitter experience with a dispute settlement, “As the village court has no practical authority to implement its decision, the respondent is often whimsical in obeying the decision. It doubles the harassment of the petitioner. If UP’s (village court) verdict is not obeyed by the people, then why do the chairmen and members do judicial works? Then, it is better to file a suit with the Thana or the court of law”.

Figure 4.1: Three major enclosures found in a traditional society for dispute management



In the Figure above: the star is considered as disputes and the arrows mean their extent for mitigation. Three **enclosures** are showing three structures in the society—the hamlet (the inner enclosure), the village (the middle enclosure), and the Union Parishad (the outer enclosure). The figure shows that most of the disputes in a traditional rural society are generally mitigated within the hamlet. It is the common tradition that the people living in a hamlet do not prefer their disputes reaching the whole village. As a result *Shalish* at hamlet level is their first preference. If only this primary enclosure fails to mitigate any dispute, it goes to the village level enclosure where village leaders try to mitigate dispute. Any dispute mitigation failing to get settled in the village *Shalish* would go to the Union Parishad. A dispute referred to the UP does not necessarily mean that it would be settled in the Village Court in due procedure. There might take place another *Shalish* but this *Shalish* would involve the UP Chairman and members.

4.5 Spiraling of Local Petty Disputes into Larger Conflicts

The study has revealed that, on many occasions, larger conflicts spiral up from local petty disputes. The disputing parties often, under influences of vested quarters, fall into the trap of professional italic who provoke them to lodge false and/or manipulated allegations in either the *Thanas* (police stations) or the higher court. There have been frequent complaints that, under the ill motivations provided by the touts, the victims become violent for taking revenge. On other occasions, either of the involved parties is provoked to teach the other party a lesson. Moreover, a conflicting attitude over minor issues commonly seen among some of the community members has been acting as promoter of larger conflicts spiraling from petty disputes.

In some FGDs and case studies, participants described how petty disputes turn into larger conflicts bringing serious consequences to the affected persons. The following illustrations present a better understanding of such spiraling of disputes.

Sufferings of Nurul

One Nurul, a poor farmer, borrowed Taka one thousand on interests from his neighbor, but could not pay it back on the ground of poverty. The neighbour pressed him for repayment. But Nurul was not in a position to pay back neither the interest nor the principal amount. The neighbour was influenced by some touts. In the process, once Nurul was coming back home after his day's work on his farmland, the neighbour, along with some other persons attacked Nurul. They beat him mercilessly and took away the harvest. The neighbour told Nurul that he is taking away the harvest as the repayment of the loan and that the physical assault treated as the compensation for delay in loan repayment. The neighbour also threatened him with dire consequences if he would try to lodge any complaint about the incident to anybody.

However, the villagers came to know about the incident and motivated Nurul to lodge a complaint against the neighbour. It opened up a new dimension to the conflict. Nurul had to keep on following up the matter. As he is not familiar with the police procedure, he needs to take Jabbar Chawkider with him to get necessary help and advice. Nurul has to pay some money to the latter for his help each time he gets some advice or at least bear the expenses for accompanying him to the court or other places. Four months have passed since the complaint was lodged, and nothing came out specifically. Today Nurul is not sure when he would get justice and how much of more money he needs to spend in order to finally get justice....

Compiled by the authors on the basis of field experience and interaction with key informants

Story of Spiraling Conflict between Falu and Nali

Shukhipur, a big village under Amtali Upazila, where about 5,000 people live, is located about 6 km off the Upazila headquarters. Agriculture is the main occupation there, although a substantial number of people are engaged in small business, salaried jobs, wood processing etc. However, due to increase in population, some small clusters have been developed around the linear settlements.

Two families headed by Falu Prodhan and Nali Ahmed have been living in Shukhipur village as neighbours for the last 60 years. Nali has two sons and one daughter. The elder son is the teacher of a local high school, while the younger son is working with a NGO for 3 years. His only daughter is married to a shop-owner in the district of Barisal. The elder son is looking after the family. Nali Kaushik who had smoked for a long time has given up smoking really; but he has now been suffering from bronchitis for the last 5 years.

Falu Prodhan, once a medium-scale farmer in the area, has a large family with 3 daughters and 4 sons. All the daughters were given in marriage, for which he had to sell some land for giving dowry. His elder son Chinu is now a local UP member. Falu's second son runs a shop in the village market, while the other two sons are studying in Barisal.

Falu has a big pond where he cultivates and sells fish in addition to own consumption. He has a kitchen garden on the embankment. From various places, he collects high-yielding vegetables seeds and loves to grow them in his kitchen garden.

Three years ago, Falu brought some seeds of high-yield beans from a seeds vendor and sew them in his garden. Within a very short time, seedlings sprouted and started growing rapidly on dry trees. At this time, two goats owned by Nali Ahmed came and ate all the bean plants. One of the grandsons of Falu Prodhon saw it and ran after the goats and threw a big stone at the goats. As a result, one of the young goats died instantly. In the evening, Nali came to Falu's house and complained about the death of the young goat resulting from stoning by Fajlu's grandson. Falu, instead of easing the situation, started harassing Nali for the destruction caused to his bean plants. They engaged in serious fallout. Being insulted Nali left Falu's house with a promise to avenge.

On the suggestion of one of his neighbours, Nali lodged a complaint against Falu with the Village *Shalish* for killing his young goat as well as for insulting him in Falu's house. With a view to resolving dispute, the village leaders met on the *Shalish* day when Falu was intentionally absent, for which the *Shalish* could not come to the conclusion and a new date was fixed for further *Shalish*. The two families, although neighbours to each other, have stopped talking with one another. In the meantime, a new event occurred. Falu's cow was beaten by Nali while it was destroying her paddy plants. This was witnessed by several villagers. In the evening of that day, the two families again were indulged in a severe conflict. At one stage one of Falu's sons attacked Nali with a deadly weapon and injured him seriously. Getting the news of Nali's son, a schoolteacher rushed to the spot. By that time, everyone was calmed down by the villagers. Nali was brought to Amtali Upazila Health Complex for treatment and 'an attempt to murder case' was filed with the Amtali Police Station against Falu and his family members. The adult male members went in the hiding. After investigation, the Police sent the report to the Court two years ago.

During the days when the male members were at large to avoid arrest, one of the family members of Falu was burnt into ashes. Then relatives of Falu lodged a complaint with the police station involving two sons of Nali along with some other relatives in this connection. The police investigated into the complaint, arrested one of Nali's sons. Another case was started and the ill-fated son of Nali was sent to the prison. Falu and others, at one stage, were also arrested by the police and sent to jail.

It took quite a long time for the parties to get the arrested family members released on bail; and each party spent around Tk. 25,000 to 30,000 to pursue the pertaining court cases. Two parties appointed experienced lawyers to win the cases. For each date of motion, both the parties had to pay substantial amounts of money to pay the lawyers and for various other incidental purposes. In brief, each party had to spend around Tk. 2,000 to 3000 for each case date. Though both the parties had attended the court on fixed dates, the hearing never took place on due days as a result of overburdening of the court with unbearable number of cases. The first hearing was inconclusive; and the second hearing after a three-month interval, was also inconclusive. In this way, several hearing days were fixed after every 2-3 month intervals. Around 2 years have lapsed by this way but the case is still pending.

It became difficult for both parties to financially pursue the case. Falu had to sell 2 bighas of his paddy land on several occasions. He is now no more in a position to bear educational expenses of his sons. Consequently, one of his sons has stopped studying and being pressured to join in a petty job leaving aside his studies. On the other hand, Nali is also facing a similar situation.

At present, none of them is certain of what will be fate of the cases, but each of the two parties are contesting to win in the race.

Compiled on the basis of
key informant interviews
with a human rights worker.

Analyzing the examples of prolonged conflicts as the ones narrated above, it may be ascertained that (i) lack of tolerance, (ii) vindictive mind-set, (iii) conflicting attitude of individuals, and lack of appropriate legal knowledge of the community coupled with provocations given by the local touts and a section of law practitioners involved in various malpractices often responsible spiraling local petty disputes into larger conflict.

In the said process of spiraling, the environment consisting largely of the poverty scenario plays a dominant role at the root level. As for instance, poverty and growing competition for both consumption and income occasionally make the people greedy. Besides, lack of literacy and the consequential lack of awareness and self-assessment make the poor and illiterate rural people prone to hoodwinking by the touts, some of whom are aspirants for contesting in the upcoming local elections at the level of the union parishads. These touts, by way of dividing their neighbours, subdue both the parties socially (as they are termed lowly court/dispute-loving people), economically (causing these poor people spend a lot of money for supporting the court cases), and politically (by spoiling the unity of the population living in a *Para* (rural neighborhood). This gives the touts have command over the feuding parties; and it facilitates buying of votes during the local elections. Besides, there are also numerous instances where the feuding parties are influenced by their decisions and choices. Perennial poverty, coupled with growing competition for consumption and income made many of the rural people in Bangladesh 'potentially vindictive'. Any incident where such a family's interests are illegally violated by some other family is prone to getting 'vindictive', especially because the local judicial system and the national judicial provisions have, for long, failed to provide justice to rural poor populations.

Finally, as stated earlier, these rural populations are usually less literate or illiterate, consequently failing to know or understand the implications of conflicts as well as initiation of a legal suit against somebody or some family. As a result, this short-tempered attitude results to frequent filing of legal suits which, again, are not administered properly, blocking or delaying the road to justice severely.

Comments: *About one-in-three households reportedly have experienced any sort of disputes and/or became victims of any criminal incidents. The study revealed that the criminal offences (all types taken together) occur a bit more than civil disputes (55% vs.45%). Reasons for many of these occurrences are quite silly in nature; and there are ample occasions when both the parties together had to spend over Tk. 50, 000 to resolve a matter that worth not more than Tk. 500.*

Many disputing parties reportedly prefer to resolve the matters at the local level as the experience of approaching to police and/court is not satisfactory. People primarily try to resolve petty issues within their kinship circle and/or within the village/community. If the issue is not settled than only they use to look for larger social space for resolution of the same. However, in many occasions, larger conflicts spiral out of petty incidents.

BARRIERS AND LIMITATIONS OF VILLAGE COURTS

5.1 Awareness about Village Court and its Functioning Status

This section of the study made an attempt to explore the knowledge level of the rural people on Village Court and various aspects related to its functioning. In this regard, the respondents had been asked to share whether they had heard of Village Court. The study also explored the knowledge level of the respondents about the functioning status of the Village Courts.

The findings reveal that a very high proportion of respondents claimed to have heard about Village Court. While about 67% of the respondents have claimed to have ever heard of village court, about 81% has reported that village courts are functioning in their localities (Annex Table 6). It is to note that during the baseline, about 23% respondents reportedly heard about village court, and about 30% stated that village courts were active in their localities⁶. However, pertinent responses on various issues related to Village Court- like composition of village court, value of disputed asset etc., indicate that people mostly confuse Village Court with *Shalish* conducted by UP Chairman and/or Members.

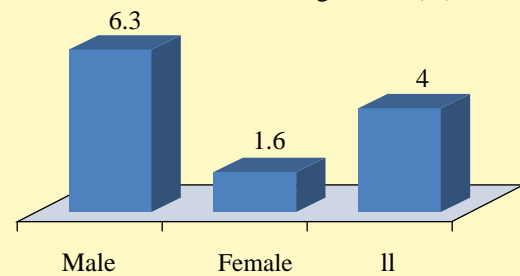
Although as many as 67% of the respondents claimed to have heard of the Village Court, only very few of them were able to mention its composition. In response to a query about the composition, only 2% of them (which is in fact, 1.4% of the respondents) were able to mention the correct composition of a Village Court⁷. It is to note that Dhaka division shows the highest proportion of respondents reporting about proper knowledge about the composition of the Village Courts (5.2%) with Chittagong showing the lowest proportion (zero percent), (Annex Table 15). The female respondents are least aware about the composition of a Village Court (0.7%) compared to the males (3.4%). Slightly over 42% respondents perceive that UP Members are the judges in the Village Court followed by another 27% believing UP Chairman as the judge of the court. It is worth noting that around one in every four (22.6%) admitted that they have no idea about the composition of Village Court (Annex Table 15). In relation to enquiry on knowledge about the composition of the Village Court, none (0%) or almost none (ranging between 0.4% and 0.6%) from Chittagong, Khulna and Rajshahi divisions are able to provide with the correct answer. It appears that only about 5% respondents from Dhaka and Sylhet divisions are correctly informed about the composition (Annex Table 15). As data reveal, female respondents are less aware about the composition of the Village Court.

Similarly, only 4% respondents have correctly mentioned about the valuation of the property and/or dispute that falls under the jurisdiction of the Village Court (Figure 5.1).

“We do not know about the existence of *Village Court*. We know very well about “*Shalish*”. we feel that sometimes some disputes are resolved through “*Shalish*” which should have been better/justice-able if they are settled by more competent authorities” --FGD participant at Maulvibazar

“Majority of the village people are totally ignorant of village courts. They often refer to ‘*Shalish*’ when asked about village courts” ---comments of local journalist and human right activist at Chuadanga

Figure 5.1: Distribution of respondents by their knowledge about the valuation of disputed property to be resolved in Village Court (%)



⁶GOB, MoLGRD&C. Activating Village Courts in Bangladesh Project, Baseline Survey on Village Courts in Bangladesh, 2010.

⁷Generally a Village Court is composed of 5 members including the Chairman and 2 Members and 2 representatives.

Division-wise analysis reveals that in spite of higher proportion of respondents have claimed of knowing the jurisdiction in terms of valuation of disputed property/asset; in reality it is revealed that the scenario is just the opposite. Moreover, the study shows a variation ranging between 2% (in Sylhet) and 8% (in Chittagong) in various divisions. The Dhaka division shows scenario which is almost similar to that of national (Annex Table 17). Plausibly, the findings related to correct knowledge on valuation of the Village Court jurisdiction is a direct contribution of isolated interventions of legal and/or right based NGOs (like Madaripur Legal Aids and alike) with funding support from different development partners and international NGOs.

Table 5.1: Distribution of respondents by their knowledge about the members of the VC (%)

Response regarding who are the members of village courts	Male	Female	All
UP Chairman	34.7	18.1	26.5
UP Member	43.1	41.7	42.4
Chairman-Member	8.7	4.0	6.4
5 members including the Chairman and 2 Members and 1 representative from each of the parties	3.4	0.7	2.1
Don't know	10.1	35.5	22.6
N	712	697	1409

Source: Field survey

Based on the knowledge of respondents about the composition and jurisdiction of Village Court, a general logical inference can be drawn that an absolute majority of people are still not aware of Village Courts.

The interactions with various stakeholders reveal that overall level of awareness and understanding on Village Courts among the community members and local representatives is noticeably low. Most of the UP chairmen, UP members, UP female members and the community people have no and/or very shallow knowledge about the Village Courts procedures and processes. It is observed that elected representatives and community elites in general are aware of the existence of village courts but they do not have a clear understanding of their roles, functions and responsibilities. As shared by most of the key informants, the main missing link between Village Courts and community awareness is lack of regular interactions between community people and local elected representatives on various aspects of Village Court. The Village Court procedures, process, roles and functions are not clear to not only the community but also to a large number of UP representatives. There is no communication mechanism between the community and the Union *Parishad* for disseminating information related to Village Court. In these stated above context, the scenario is more or less similar in all the divisions.

The UP never told us about the Village Court. What we know about getting justice from Village Court was told by the NGO Apa.

FGD participant in Faridpur

The UP is over burdened with activities. We do neither have adequate man power, nor enough fund to run regular activities of UP. It is therefore, difficult for us to systematically follow the Village Court procedure and so as to make the people aware.

UP Chairman from Rajbari

The Union *Parishads* do not have any budgetary provision for developing awareness on Village Court activities among the community. The Union *Parishad* is dominated by district and Upazila administration, which exercise heavy-handed control, especially with regard to the use of funds.

Village politics is also an important factor that impedes functioning and/or constituting of the village courts. Most chairmen during interview sessions noted that due to these complex socio-economic and political realities, they do not take strong initiative to build awareness among villagers on village courts.

It is a major challenge to make people aware about the Village Court and its various dimensions. The people should also be made aware to differentiate between the Village Court and *Shalish*. The Project may undertake

awareness generating programs for various target groups like the poor, and women.

5.2 Barriers of Seeking Justice of Poor/Marginalized⁸ and Women

5.2.1 Respondents' Opinion about the Effectiveness of Alternative Dispute Resolution and Reasons There of

The study has explored the existence of barriers of seeking justice by the poor and marginalized. As in most of the study Unions, the Village Court, as it is stated in the Act, has not yet started functioning. The respondents were first given a brief about the same. Then, they were requested to share their understanding about the effectiveness of alternative dispute resolution (ADR) for seeking justice by the poor and marginalized. The findings reveal that about 72% considers *Shalish* as the more effective alternative dispute resolution (Figure 5.2). Nearly one-fourth of them also mentioned Village Courts while only the remaining 4.4% respondents perceive that judiciary (higher courts) is more effective for seeking justice for the poor and marginalized. As to the reasons for considering *Shalish* as the more effective means to dispute resolution, 76% of the applicable respondents viewed that it does not require money while 38% of the respondents preferred it because it is less time-consuming. The other reasons for preferring *Shalish*, as opined by the applicable respondents, are: *Shalish* ensures justice (23.8%); *Shalish* involves less harassment (15.9%), and Good relations exist between disputed parties even after the *Shalish's* decision (18.2%) (Table 5.2) (See Annex Table 23 for details).

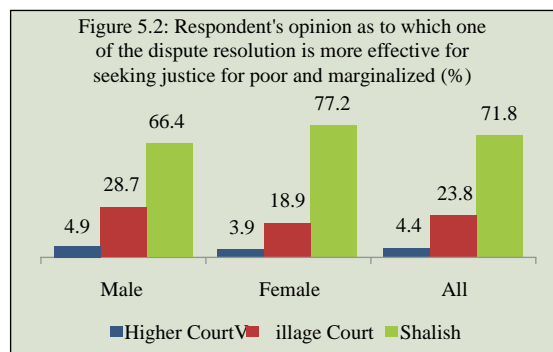
"The Chairman and members who are supposed to be the members of Village Court are biased which reduces the confidence of villagers upon them. Moreover, they cannot act neutrally because they belong to certain political ideology" -- A Key Informant at Faridpur

Among the respondents who consider Village Court as the more effective alternative dispute resolution, almost 70% prefer it because it requires less amount of money (Table 5.2 and Annex Table 23), followed by another 42.3% respondents who prefer it because getting justice is likely and easy from it. Another 39% prefer Village Court because it requires relatively less time to resolve a dispute. The other reasons for preferring Village Court are: it does not require bribe (14.6%); and less harassment/good relations and peace prevails between the two parties or in the area (15.8%) (See Annex Table 23 for detail).

Among those who have considered higher courts as more effective for seeking justice for the poor and marginalized, 73% have mentioned that because it, according to them, ensures justice. Another 42% prefer it because the trial is conducted according to the rules and regulations. The other reasons for preferring higher courts include: political or party influence is not there (17.7%); and the case is conducted with some law practitioners (14.5%) (Table 5.2 and Annex Table 23).

Table 5.2: Respondents' opinion as to why s/he considers a dispute resolution mechanism more effective than the others for seeking justice for **poor/marginalized** (multiple response, %)

Respondents opinion	Applicable Respondents	All respondents
<i>Why Shalish is better for poor/marginalized</i>		
Low cost / do not need money	75.8	54.4
Less time-consuming / speedy trial	37.6	27.0
Justice is ensured	23.8	17.1
Good relations exist between the disputed parties	18.2	13.1



⁸ Respondents of the study were asked about what according to them were the specific barriers for seeking justice for poor and marginalized (Q-119 of DCI-1). It is to note that no poverty-specific data were used to define 'poor and marginalized' rather the term was used as a generalized perception of the respondent.

Involves less harassment	15.9	11.4
<i>Why Village Court is better for poor/marginalized</i>		
It requires less amount of money	69.6	16.6
It ensures justice	42.3	10.1
Less time is required to resolve dispute	39.3	9.4
Less harassment/good relations/peace prevails between the two parties/in the area	15.8	3.8
It does not require bribe	14.6	3.4
<i>Why Higher Court is better for poor/marginalized</i>		
It ensures justice	72.6	3.2
Trial is conducted according to the rules and regulations	41.9	1.8
Political or party influence is not there	17.7	0.8
The case is conducted with some law practitioners	14.5	0.6

Note: Only the major responses are presented

Source: Survey on Social Barriers and Limitations of Village Courts, 2010

The study has also explored the view of the community on effective mechanism for seeking justice for the women. It is crucial to mention that still 72 per cent of the respondents consider Shalish as more effective dispute resolution mechanism for seeking justice for the women. Only 18.4 per cent of the respondents were found to mention Village Courts as more effective dispute resolution mechanism for the women. The remaining 9.4 per cent think that Higher Courts are more effective for the women (Annex Table 24).

About reasons for preferring a particular means (Shalish/Village Courts/Higher Courts), data show that about 51% of the respondents view that resolving disputes in Shalish requires no or less money than that in higher courts and the trial is also speedy (Annex Table 25). However, such an opinion was expressed by fewer respondents in Chittagong division compared to the other divisions. While in Khulna and Dhaka divisions the respective proportion is 72% and 64%, it is 25% in Chittagong and 38% in Sylhet.

According to over 47% of the respondents if any one goes to the Village Court, the personal dignity is maintained because it involves people whom they know. People in most of the divisions expressed more or less similar opinions except in Khulna (See Annex Table 25 for detail). Similarly, 54.8 per cent of those who viewed Village Courts as effective means for getting justice for women think that it is preferred because it does not require money and the trial is speedy (Annex Table 25).

5.2.2 Social and Economic Barriers

The study shows that the social barriers for seeking justice constitute of (i) role of family decision makers/guardians, (ii) concern about social dignity, (iii) not having family members who can be proactive in *Shalish*, (iv) social and economic status, and (v) resistance by *touts* in seeking justice, etc.

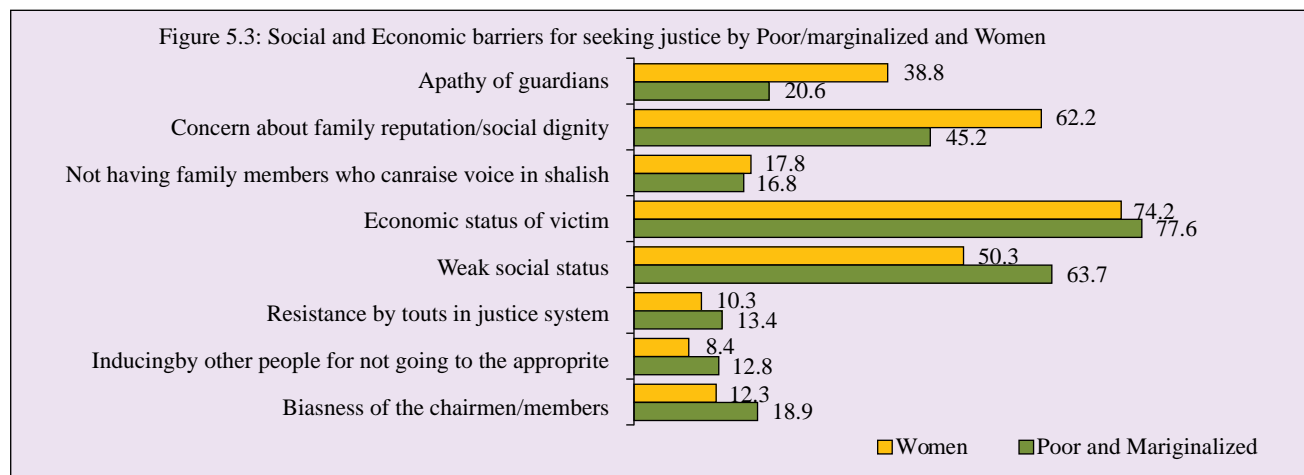
The findings show that the social and economic status of the victim (63.7% and 77.6% respectively) are the major barriers for the poor for seeking justice and are followed by the concern about family reputation/social dignity (45%). For about 21% of the respondents, apathy of the guardians (decision-makers in the family) acts as a barrier on the way of seeking of justice for such people. Almost a similar proportion is afraid of seeking justice because of nepotism by the UP Chairmen and Members (19%), (Figure 5.3). (See Annex Table 25 and 26 for detail).

It is to be noted that aversion of household heads and/or decision makers to seeking justice becomes almost double if the victim and/or the related party is a female (39% vs. 21%). Similarly, the issue of concern about

There are some “touts” who are very active in rural areas. They act as agent of the advocates involved in various malpractices at courts. They are motivating the villagers to seek justice in higher courts with the help of ‘learned’ advocates. By doing these they are gaining monetary benefit both from the parties. (Opinion expressed by a few Legal Aid Practitioners).

family reputation/social dignity deters seeking justice in families that number 1.5 times of those who would not seek justice due to one of the parties being a female (62% vs. 45%).

Division wise desegregation of the findings reveal that in each and every division social statuses of the parties are reportedly the prime social barrier for getting proper justice in village courts (Annex Table 26). This indicator in various divisions ranges between 44% (in Barisal division) and 85% (in Chittagong division). The other reportedly important barrier across the divisions is concern about family reputation /social dignity, which ranges between 9% (in Chittagong division) and 65% (in Khulna division).

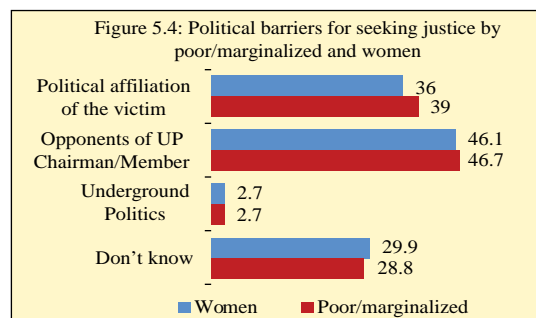


5.2.3 Political Barriers

The study identified that (i) political affiliation of the victim and (ii) belongingness of the justice seeker to UP Chairman's/ Member's clan and/or kinship with them as a major political barrier for seeking justice. About 47% (almost one in two) respondents have shared that opponents of the Chairman/ Members of the UP are less likely to get justice from *Shalish* or Village Court.

According to around 39% respondents, political affiliation of the involved party is one of the decisive factors in ensuring justice. They think that village court will be run by political personalities. Moreover, it will act mostly in a manner that differs sharply from the higher court. Here lies the fear of being either politically biased or being influenced by the predominant political circle of the locality. However, about 29% of the respondents are not sure that there exists a political barrier in getting justice from the Village Court (Figure 5.4 and Annex Table 27).

“Chairman of Union Parishads are political figures. They are often alleged to have played partisan role in trials of village courts. Chairmen are often charged with ‘partial trial’ against those who didn’t vote him. Due to political influence of chairman, the aggrieved party doesn’t dare to file the suit, sometimes the witnesses don’t dare to give evidence. Sometimes summons are not duly served due to political influence”. School Teacher in Barguna



It is interesting that the position of the respondents regarding to such category of barriers is similar irrespective of sex. No matter if the affected party is a woman or belongs to the poor/marginalized strata in the society.

The study findings depict that across the divisions belongingness of the justice seeker to the chairman and/or other prominent members of the UP is reportedly a very significant factor in getting proper relief (Table 27). This type of barrier ranges between 23% (in Sylhet division) and 56% (in Rajshahi division). Moreover, political affiliation of the disputing parties also appears to be an important factor in every division (range: 14% in Sylhet and around 60% in Khulna and Dhaka divisions).

It is worth mentioning that economic status of the disputed parties have reportedly considered as prime factor in decision making in the Village Courts. Across the country about 78% have reported such views. Divisionally it ranges between 63% in Sylhet division and 96% in Chittagong division. Dhaka division (94%) is closely following the scenario in Chittagong division (see Annex Table 28).

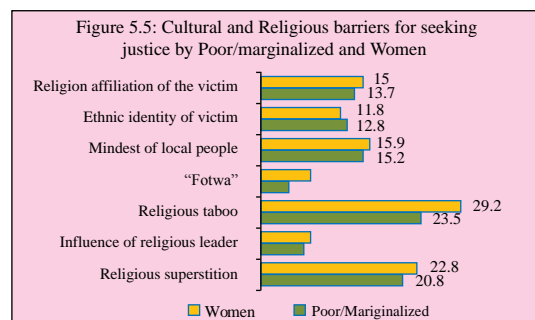
5.2.4 Cultural and Religious Barriers

The study explored existence of cultural and religious barriers for seeking justice in village court. The respondents have shared that there exist various cultural and religious barriers. Around one quarter of the respondents (23%) believe that religious “*taboo*” is a major cultural-religious barrier in seeking justice to village courts, by the poor/marginalized followed by religious superstition (21%). It is noteworthy that about 14% of the respondents perceive that religious affiliation of the victim is one of the reasons that act as an important factor in getting justice by the poor/marginalized. Furthermore, ethnic identity⁹ of the victim has been considered as a barrier by about 13% of the respondents for seeking justice for the poor/marginalized (Annex Table 29).

It is not within the practiced norms of the religion that the women go distant places like UP for resolving the disputes with her husband/in-laws or even neighbors. It is always better not to expose family matters outside. Socially also it is also much accepted that family matters and/or petty disputes between the neighboring household is taken to UP or Courts and police.

FGD participant in Barguna

The study revealed that a small proportion of respondents consider that influence of religious leaders, as well as “*fatwa*” itself act as impediment towards getting justice for the marginalized and women. It is worthy to note that according to perception of 29% religious taboo (including perceived norms) is a barrier for women in seeking justice. Similarly, about 23% people surveyed have reported that religious superstitions and/or misconceptions act as a barrier for women in seeking justice. These findings along with the related ones need to be dealt with by Activating Village Court in Bangladesh Project (AVCB) with extra cautions in interpretations.



The multifarious dimensions of influence of religion and religious leaders on the seeking of justice by marginalized people need further in-depth investigation. A separate study may be commissioned in this regard.

5.2.5 Barriers Associated with Legal Knowledge

The study has revealed that most of the rural people are not aware and/or are ignorant of law and right issues. About 43% of the respondents have viewed ignorance as a major barrier for seeking justice by the poor and marginalized people, while about 32% have blamed lack of their legal knowledge (Annex Table 31).

It is worth mentioning that 36.5% (over one in three) of the respondents perceive that the justice system is expensive and therefore a barrier for the poor and marginalized people (Annex Table 31). Taking into account the fact that about 40% of the rural population is living below poverty line the cost consideration of litigation in the Village Court plausibly considered as justifiable.

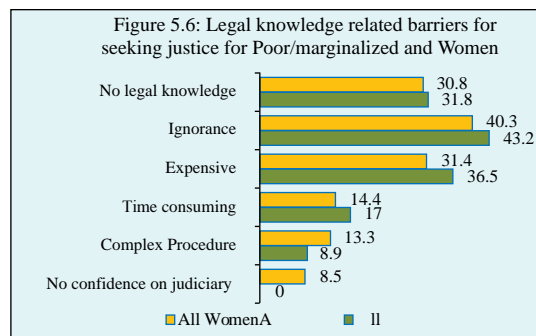
It is also important to note that for 17% (over one in six) of the respondents the litigation process is time-consuming, while for 9% the procedural aspects have seemed to be complicated. People are habituated to obtaining services from the *Shalish* System, rather than from a formal court. However, over 8% respondents have reported that the justice-seekers don’t have confidence in judiciary at all (Annex Table 31).

If the matter of the women’s seeking justice is taken into consideration, data show that the three prime barriers are ignorance (viewed by 40% of the respondents), expensiveness of the justice system (viewed by 31.4% of the

⁹ **Operational definition of ‘ethnicity’ used:** In DCI-1 of the study under cultural barriers for seeking justice for poor and marginalized, ‘ethnic identity of the victim’ was an alternative option. Here ethnic identity means either Bangalee or member of the indigenous community or small occupational groups (such as the Dalits) etc. This operational definition was used during training of the field enumerators.

respondents) and lack of legal knowledge (viewed by 30.8% of the respondent) (Annex Table 37).

In the context of the study, it is worth mentioning that lack of legal knowledge as well as ignorance of the poor/marginalized and women are two major barriers for not seeking justice from Village Courts across the divisions. However the picture of ignorance and lack of legal knowledge varies among the 6 surveyed divisions. If poor people's justice seeking is considered it is observed that lack of legal knowledge is viewed by the respondents as highest in Dhaka and Khulna divisions (around 44% in each) and lowest in Sylhet division (20%). On the other hand, ignorance of the people is viewed highest in Dhaka division (57.6%) and lowest in Barisal and Khulna divisions (around 32% in each) (Annex Table 31). Likewise, if women's seeking of justice is considered, it is found that lack of legal knowledge is viewed highest in Dhaka division (about 44%) and lowest in Sylhet division (17.3%). Similarly, ignorance of the people is viewed as highest in Dhaka division (59%) and lowest in Barisal division (29%) (See Annex Table 37 for detail).



5.3 Barriers and Limitations of Village Courts

It has been mentioned in Chapter 1 that, as per Village Courts Ordinance of 1976, Village Courts theoretically exist in each of the Union Parishads of the country since that time. The village court was established with the objective of enabling rural people to settle their disputes and to offer them justice within a relatively short period of time and with a minimum cost. Village courts were expected to be an easy alternative to expensive and time-consuming formal courts for the villagers. They were also expected to be welcomed by the poor people of the rural areas. But they were not as functional as deemed by the government. The weakly functioning state of village courts was described in many studies undertaken previously on the issue.

Barkat and Roy (2004) showed the historical evolution of Village Courts describing the relevant Acts, Ordinance and Rules governing the institution until that period. The authors also described the legal framework and jurisdiction of Village Court as per the Village Court Ordinance 1976. Furthermore, the study presented their observations about the justice-delivery process of three Village Court of Rangpur district in a case study manner. Examining the reported disputes; process, procedure, constraints of Village Court and role and attitude of the people to the Village Court the authors stated,

“.....

- Among the litigations the share of land dispute constitutes 60 percent
- Litigation arose due to resolution or separation by Talak/divorce, dowry, remarriage, antisocial activity
- Number of persons involved in each case ranges between 2 and 32.
- Duration of cases ranges between 7 days and 6 months.
- Most of the cases take 2 months time for disposal.”

Stating the political economy of village court as ‘a least studied subject in Bangladesh’, the authors made a number of comments on the complex politico-economic basis of the village courts. Some of the important comments made have been presented below:

- “The village touts/miscreants are involved in most of the cases and they misguide the parties of the cases and thus they exert crucial impact on litigation and village court judicial system.
- Weak punishment, amounting to a fine of Tk. 500 for contempt of court and Tk. 200 for disobeying summons are the most important causes lying behind low success of Village Court
- Lack of strong or mandatory provision to attend the respondent before the court is another weakness in Village Court judiciary.

- *Due to weak social control the acceptance and honor of the village court is in jeopardy; upgrading of village court system is needed.*
- *The nature and type of social problems and conflict has changed a lot which are not under the jurisdiction of the village court.*
- *Inefficiency of the UP Secretary is of highest concern in maintaining court process and records.”*

Finally, the authors (Barkat and Roy 2004) made a number of suggestions and recommendations for better functioning of the village court. The recommendations include:

- *Power and function of the court should be enhanced because UP chairman has to solve so many problems which are beyond the jurisdiction of the present village court under the ordinance.*
- *Power of execution of decrees or fine made by the court is essential because without execution the orders given by the court are ineffective and become insulting to the court.*
- *The court should be empowered to take cognizance of the family conflicts like resolution/dissolution of marriage, dowry, recovery of dowry, prevention of torture to the women & children etc.*
- *To perform the judicial work of the Village Court efficiently, educated and efficient Secretary needs to be recruited.*
- *Provision for sentence of punishment should be introduced instead of fine only.*
- *Punishment provision should be introduced to the persons who show negligence or do not obey the notice or summon of the court instead of fine only.*
- *One of the important causes of family/marriage litigation is the illegal and irregular marriage arranged and done by the Quazi.*
- *Recent increase in illegal marriage procedure created due to the withdrawal of control of UP chairman over the Quazi.*
- *Withdrawal of control over Quazis also results in fictitious Kabuliotnama and leads to harass the innocents in joint collaboration with the touts and miscreants”.*

As Quader (1995) states, “.....although in many cases the village court had pious intensions, its limited scope simply compelled them to withdraw or avoid almost 80% of the disputes which occurred in the rural areas. Narrow jurisdiction of village court allows and encourages village people to take resort ‘Salish’ or to go to higher courts. Thus most of the problems which hamper social harmony and disturb law and order situation still exist in the rural areas”.

At this backdrop, revitalization of the Village Court was essential to relieve the burden of the formal courts to a great extent as well as to providing access to justice to the villagers at their doorsteps. In response to this underlying plea, the Government passed “The Village Courts Act, 2006” to address the access to justice issue for the village poor, marginalized, women, children and the vulnerable groups. The project ‘*Activating Village Courts in Bangladesh*’ is another apt initiative. The 5-year (2009-2013) project, under implementation in 500 UPs of Bangladesh, is aimed at proving support to the justice system through developing capacity of the village court members, elected representatives, support staffs and village police.

The field data collection of the study took place in September 2010 when the intervention of the project was just in the rolling out phase. Therefore, the data found at the field level at that time practically depict the prevailing scenario of village courts and their functioning for ensuring justice to the villagers.

With this understanding in mind, this section of the chapter basically describes the prevailing limitations that obstruct the village court’s expected functioning. The data used for this section are obtained mainly from the experiences and views of the key informants such as the UP chairmen, members and local elites (potential members in village courts), UP secretaries, NGO officials working with human rights, lawyers, public prosecutors, members of Bar Associations, government officials of the field administration, Magistrates and

Judges of different courts at the district levels. However, findings from some focus group discussions (FGD) and case studies have also been used to supplement their views on the limitations of village court. **As per the field findings, the barriers and limitations of activating village courts are as follows:**

5.3.1 Formation of Village Courts

According to the existing law, a village court comprises of a Chairman of a UP as its head and two members nominated by each party – thus totaling to five members. However, most of the legal experts interviewed are not satisfied with this composition. Instead, they suggested different types of formations including the selection of the head of the village court from neutral and locally respectable persons (e.g., retired school headmaster, retired government officials etc.)

5.3.2 Pecuniary Jurisdiction

Village courts at present can entertain a suit valuing up to Tk. 25,000 (twenty five thousand). But most of the legal experts support the increase of their pecuniary jurisdiction. According to them, Tk. 25,000 is an insignificant amount of money these days. For example, in rural areas, a considerable number of disputes rise from land related issues. Even the matter is of some decimals of land, the value is more than fifty thousand taka. Because of this limitation, such cases cannot be dealt at the village court. As a result the UP chairman or members often refer such disputes to *Shalish* or formal courts. In areas where the researchers found the villagers to be relatively better informed about the village court, this issue was also raised by FGD participants. In situations like this, village people are bound to go to *Shalish* which, according to many of them, is biased and cannot give justice. As there is no such financial or authorizing limitations for *Shalish*, all sort of cases are being dealt there. As suggested by the key informants, the amount may be raised up to Tk. 100,000 (one hundred thousand) in view of the current rate of inflation.

Village court's limited financial jurisdiction was also identified by some past studies. As Quader (1995) suggests on the basis of opinions of 65 UP chairmen, "*The village court should be allowed to handle a case up to a valuation of Tk. 1,00,000.00 (at the time of inception, the valuation was Tk. 1,000.00 and few years ago it was raised to Tk. 5,000.00. But due to inflation, value of money has gone down).*"

It is worth noting that during case studies and FGDs this limitation was raised by a number of people who went to village courts for dissolving their disputes. For example, a petitioner of Amtoli UP of Barguna district reported that as the value of the disputing matter was Tk. 45,000, the UP chairman did not accept his petition and asked him to go to police station. The village court's limitation frustrated the petitioner. However, he had to go to the formal court for justice. It took him a long time and brought huge monetary loss. Finally the court's verdict was against him. As the petitioner sates, "*Tk.45,000 is not a huge amount. Yet, the village court could not handle the case. I had to spend more than 45 thousand at the (formal) court but I am yet to get justice.*"

Conversely, there are examples of handling cases valuing more than Tk. 25,000 at village courts in different study UPs. Some case studies reveal that the respondents settled their cases valuing from Tk. 30,000 to 100,000. Interestingly, such cases mainly evolved from issues relating to land and money-lending (on interest).

5.3.3 Territorial Jurisdiction

The Village Courts Act, 2006 authorizes the village courts to entertain suits valuing up to Tk.25,000 and some specific criminal disputes. But there is a great demand from legal experts, government officials, judges and magistrates that such area of village court's jurisdiction should be extended.

As per data obtained from the field survey, FGDs and case studies a considerable number of disputes are related to dowry, violence against women (particularly wife beating), abandon of wife by husband, second marriage without the consent of first wife, elopement of married women etc in the rural areas. Most of these disputes are beyond the jurisdiction of village courts. As a result, most of such disputes are being settled at *Shalish*. However, some of the case studies also show several dispute settlement incidences such as dowry, violence against women etc. According to UP chairmen and members, it is not all the time possible for them to strictly maintain the procedure. At this backdrop, the key informants made the following recommendations:

- Disputes related to absolute possession and permanent injunction may be brought under the purview of village courts.
- Even some petty disputes now trial able by mobile courts (e.g. disputes related to village hats and bazars, *hilsha* catching etc), may be brought under the jurisdiction of village courts.
- Disputes as to restitution of conjugal rights may also be brought under the domain of village courts
- Disputes arising out of misunderstanding between and among couples may be brought under the village courts
- Cases related to unlawful assembly and riot committed by more than ten persons may be brought under the jurisdiction of village courts.

5.3.4 Supervision and Return of Documents

As per the existing Rules, the Chairman of UP has to submit a half-yearly return on the Village Court's Proceedings to the UNO. That is the UNO is the supervisory authority of the Village Court. In other sense, it is an executive supervision of judicial function that goes against the spirit of separation of Judiciary. Legal experts recommend adoption of the following steps in this regard-

- Along with the UNO, a Judicial Magistrate/Assistant Judge may have concurrent supervising authority to ensure perfect supervision
- The Chief Judicial Magistrate may be made the sole supervising authority. The return should be made to the CJM.
- Regular return and continuous supervision must be ensured.

5.3.5 Appeal

The Village Courts Act, 2006 restricts the right to appeal in case of 4:1 and 5:0 decisions, whereas, in general, such a bar is present neither in the higher nor in the lower courts appeals. Therefore, it seems to be a lacuna in the Act to which two divergent schools of opinions are as below.

- One school of experts considers this bar unreasonable as such the same, should be removed. Right to appeal should be given even in case of unanimous decision by a village court¹⁰.
- Others think that such a bar is maintainable, as because revision lies where appeal is not allowed¹¹.

But the balance of suggestions is in favour of removal of that bar of appeal so as to allow appeal against every decision of the Village Court. This recommendation can be supplemented mentioning that some cases studies and FGDs also show that some petitioners and respondents did not agree with the decisions made at village court and showed grievance to it.

5.3.6 Logistic Supports

There are lack of logistic supports in activating village courts. In most of the Union Parishads, formal atmosphere of court does not exist. Therefore, Village Court officials cannot command a judicial mind. For this reason there is lack of respect as well as lack of confidence of the parties to the dispute is observed. Activating village courts requires specific court room, chairs, tables, papers, pens, notice-board, *ejlash*, and other necessary materials for running a court.

10 As opined by an Assistant Judge of a study district.

11 As opined by a Chief Judicial Magistrate (acting) of a study district.

Alternative means employed by UP to settle dispute

At the backdrop of time and manpower crisis as well as limited jurisdiction, the UP chairmen in many places avoid the legal procedure of village court and sometimes they refer the case to avoid burden. This issue was explored by other recent studies as well. For example, a study conducted in 10 UPs of Bhola and Cox's Bazar districts by Karim and Rahman (2008) states that more than 80% time of UP representatives was consumed in judicial functions. The study also found an 'innovative' practice for dispute resolution in Nilkomaol UP of Bhola district. The summary of the practice is given below:

"The Chairman of the Nilkomol Union Parishad had introduced a decentralized system of alternative dispute resolution system, namely Salish Committee. He had formed nine Salish Committees in nine wards of the Union named as lower court, each committee consisting of ten to fifteen members selected through the open community meeting. The Chairman mentioned that he had included defeated contestant in these Shalish committees so that peace and cooperation could prevail in the community. As a result, defeated candidates felt some sort of honour having opportunity of involvement in the UP activities. The members of the Shalish Committee were oriented on procedures and their power and authority to deal cases with the help of local NGO, the COAST Trust. On the other hand, the UP Chairman also argued that decentralization of Salish committees reduced his workload, resulting in devoting more time in other development activities. However, when the ward-level Shalish Committees failed to resolve any dispute, then it was referred to the Chairman's court as they called it higher court. Nilkomol Union Parishad settled 90 cases through Salish Committee during 2003-2004. Moreover, the Chairman reviewed the performance of the Shalish Committee on monthly basis and gave suggestions if the Shalish Committee mentioned any problems regarding dispute resolution."— Karim, and Md. M Rahman (June 2008)

5.3.7 Manpower

Village courts suffer from lack of necessary manpower. The Union Parishad is the grassroots level Representation of Local Government Institutions. Through the 1976 Local Government Ordinance, the Union Parishad was entrusted with forty functions. It has to conduct several public works and issuance of several public documents, i.e., birth-and death-certificate, citizenship certificate, certificate of income. On the other hand, there is only one secretarial post (UP Secretary) in the UP. At present, the Secretary of the concerned UP performs the duties of bench clerk and other courts officers in addition to his regular duty. Therefore the UP Secretary is always overwhelmed with bulk of tasks. To activate Village Court functions, a Courts Assistant may be appointed who will be responsible for documentation of Village Court proceedings. Besides two process servers may be appointed to serve summons and other processes.

5.3.8 Absence of Implementing Authority

Village Court has jurisdiction to impose certain amount of fine and can award compensation. But it has no separate implementing agency to execute its decisions.

5.3.9 Remuneration and Budget

The members of the Village Court are not paid any allowance for their judicial functions. As such they do not find much interest in holding such trial. Therefore, for activating Village Court the members thereof should be provided with some allowance (which may be 50% of their present rate of monthly allowance for the disposal of each case). Besides "Best performing chairman" may be awarded every year. The remuneration of the legal assistant and process servers (proposed) should also be regularized.

There is no separate budget for functioning of Village Courts. The cost of issuance of summons provided is not sufficient. Another requirement of law is that Judicial Magistrate or Assistant Judge may refer the dispute to the Village Court if it falls under the jurisdiction of Village Court. But the cost of referring the dispute is not provided anywhere in law.

5.3.10 Unwillingness of UP Chairman and Members to Form Village Courts

For constituting the Village Court, certain formal procedure has to be followed. From filing complaint to the stage of decision- everything must be done in accordance with the law. On the other hand, *Shalish* has no formal procedure and no legal framework. So, in most cases chairman and members are not interested in Village Court. Rather they send the matter to *Shalish* or settle the matter out of the court to avoid the procedure.

5.3.11 Decision

The existing law does not give any instruction as to how to write decisions. It seems to be a defect in the Act. The writing of reasoning for the decision should be made mandatory. In that case, the appellate court may get a rationale for the decision.

5.3.12 Procedure

The Village Court’s proceedings are full of procedural flaws. Due to lack of proper legal knowledge and sincerity, the necessary forms in many UPs are not duly filled in, somewhere are wrongfully filled in, and somewhere are partially filled in. Again summons and notices are not duly served and sometimes not served at all. Sometimes they mingle the village court procedure with that of *Shalish*. An, ex-chairman of a UP in Barguna says that he held village court proceedings with nine or ten Judges. This is the nature of procedural loophole in village court proceedings.

5.3.13 Educational Qualification & Training of VC Officials

Village Court officials, in most cases, are educated below the level of secondary education which is a hindrance for judicial activities. For judicial activities, wisdom is a must which cannot be achieved without education. So, functioning of the Village Court is disturbed.

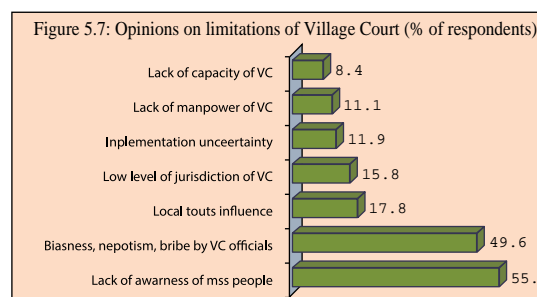
Lack of legal knowledge and training among the Chairmen and members is a great limitation of village courts. They should be trained up well so as to held the village courts proceedings according to law. Necessary books and stationeries should also be provided to them. Illiteracy of the Chairmen and Members also stand as a barrier.

5.3.14 Inadequate Remedy

The Village Court cannot impose punishment and also cannot impose fine exceeding TK. 500. Even if fine is imposed instant execution is not possible. So it cannot satisfy the grievance of the complainant. As a result the villagers are unwilling to go to village court. According to the key informants, with the increase of pecuniary jurisdiction fining amount of the village courts should also be enhanced. The amount of fine may be re-fixed at Tk.2500. Some others suggest the amount to be re-fixed at Tk. 10,000.

5.4 Limitations of Village Courts: Opinion of the Surveyed Respondents

Finding from the household survey show that ‘lack of awareness of the mass people about village court and its jurisdiction’ is the major limitation of village courts to work actively. A 56% of the respondents mentioned this as the main limitation of village court. Almost half (49.6%) of the respondents viewed that biasness, nepotism, political stand, bribe etc of the village court officials are the main limitations of village court. Another 18% of the respondents reported that local “*touts*” persuade cases to approach to higher courts. The low level of jurisdiction of village court was mentioned by 16% of the respondents. The other major limitations were lack of manpower of village court, uncertainty in the implementation of the verdict, lack of capacity of the village court officials etc (Annex Table 38).



5.5 Limitations of Village Courts: Findings from Other Studies

So far, the existing barriers and limitations of village courts have been described based on the qualitative and quantitative data obtained through key informant interviews, case studies, FGDs and household survey. However, a number of recent and past studies also outlined such limitations. Quader (1995) outlined a number of limitations (‘Problems in Managing Village Court’ as termed by the author) of village court as identified by a group of 19 key informants. Eighteen of them were UP members in Comilla district (Quader, 1995: 29). The major problems can be seen in the following table:

Table 5.3: Problems in managing Village Court

Problems	No. of respondents	% of response	% respondents
As per ordinance of the village court, its jurisdiction is confined to a very small circle of civil and criminal cases	18	24.3	94.7
Legal steps against the accused are too small for which petitioners do not get satisfaction from judgment. Thus people are not encouraged to go to village court.	12	16.2	63.1
A good portion of the cases in the village courts have financial implications. A village court can hardly decree for a required amount of compensation or fine.	11	14.9	57.9
Disputes with women-related issues cannot be settled properly in a village court.	10	13.5	52.6
Most of the cases relating to ownership issues do not have legal authority to be settled in a village court.	10	13.5	53.6
The accused and witnesses do not attend the court in time.	10	13.5	52.6
Union Parishad has to face additional expenses for the management of cases	3	4.1	15.8

Source: Quader, 1995:29

As the author concludes, “.....first five problems are related to the limited jurisdiction of village court for which about 83% of the respondents found it problematic for the village court to settle disputes. The rest 17% of the respondents identified two other problems mentioned under serial No. 6 and 7. They are relating to lack of punctuality of the accused and the witness and additional expenses of UP. On average, an amount of TK. 100.00 had been spent in a case held in the village court under study. This amount is not very high, but compared to the poor amount of fees paid by the petitioners, this is an expense of the UP and as such a burden” (Quader, 1995: 30).

The same study also outlined similar types of opinion on the problems of Village Courts as opined by 65 UP Chairmen of Comilla District. These respondents (Chairmen) were interviewed during a three-day training programme at Comilla Zilla Parishad Conference Hall, sponsored by the Comilla District Administration in September 1992.

Table 5.4: Opinion of 65 chairmen of Comilla district regarding problems of Village Court

Description of Problems	No. of Respondents	Percentage
Dishonor of the UP notice by the accused and witness/Lack of punctuality in attending courts	14	17.1
Lack of required manpower in the UP which hampers the proper organization and trial of cases	9	11.0
If the accused from a different UP, it is difficult to make him present in the court	6	7.3
Grouping of village people does not allow the Chairman to make the verdict effective.	6	7.3
Cases which have financial implications, are almost impossible to settle in a village court	8	9.8
Limitations of the ordinance and the rules of a village court. The rules of the village court are too old to be followed	9	20.0
Lack of knowledge and training of the concerned chairmen and members about the rules and ordinance of village court	4	4.9
Additional expenses of Union Parishad in holding trials cannot be met from the meager amount which they collect as fees	8	9.8
No specific problem is mentioned	9	11.0
Total	85	100

Source: Quader, 1995: 31 [the opinions were taken in 1992]

Making a comparison between the situation in the 1990s and the current one, a conclusion could be made that Village Courts are constrained with almost similar types of limitations for the last two decades.

5.6 People's Expectations about Village Court

It has been mentioned earlier that the awareness level of the mass people about village court and its jurisdiction is not up to the mark yet. Although they have some ideas about the judicial authority of the UP chairmen and members to some extent, they are not adequately aware of the village court and its procedure. However, people with some level of awareness of this grassroots judicial institution opined their expectations from village court as well as their recommendations to make it active to deliver justice to the poor and marginalized people.

Numerous opinions were obtained from the respondents about what measures should be taken to make the village court more effective. Slightly over 62% of the respondents demanded ensuring fair justice to the victim by the VC (if fair justice is ensured, confidence about the VC would developed in the mind of the people). A 55% of the respondents replied that increasing awareness of the people about Village Court and its authority would make the VC more effective. Another 26% of the respondents viewed that power (authority and jurisdiction) of VC should be increased to make it more effective. The other opinions are: proper monitoring of VC activities by the higher authority; adequate staffing for managing the departmental activities of the VC; and infrastructure and logistic development of VC.

Table 5.5: Respondents' opinion about the steps to be taken to make the village court more effective (multiple responses)

Opinion	% respondents
Ensuring fair Justice	62.2
Increasing awareness of people	54.9
Power of VC should be increased	26
VC activities should be monitored properly	17.2
Training and confidence building of the VC chairman and other member of UP	15
Regular staff should be recruited for managing the departmental activities of the VC	7.5
Ensuring infrastructure and logistics of VC	5.3

Source: Survey on Social Barriers and Limitations of Village Courts, 2010

5.7 Who Should Play What Role in Activating the Village Court

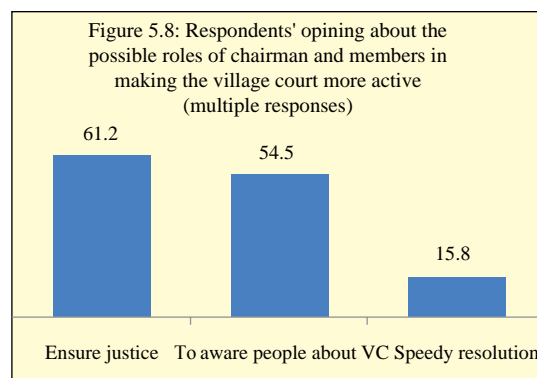
5.7.1 Survey Finding

The respondents provided their opinions on the possible roles to be played by different stakeholders in activating village courts. A 61% of the respondents viewed that the UP chairmen and members should ensure justice in the village court. Nearly 55% of the respondents think that UP representatives should make the people aware about village court (Figure 5.8) (see Annex Table 40).

Division wise desegregation of data shows that in Dhaka division as high as 79% of respondents perceive that if awareness of the people can be ensured then the Village Courts will be more effective, however the same is perceived by 44% in Sylhet Division (Annex Table 39). This implies that mass scale awareness developing steps are to be taken.

Sixty-eight per cent of the respondents opined that the mass media should increase awareness of the people about village courts through publicity. A 26% of the respondents also viewed that the media could broadcast drama/serial on village court for people's awareness (Figure 5.9).

With regard to the possible roles to be played by different CBOs, NGOs and Social Organizations to make the village courts more active and functional- 42% of the respondents suggested the introduction of "Uthan boithak" (courtyard session)/tea stall sessions. Another 19% of them also opined publishing poster/leaflet on the matter (Figure 5.10).



Regarding the roles of the political leaders/ social elite about, 41% of the respondents opined that they should play their roles in ensuring dispute resolution in the Village Court; and about 26% have mentioned that they should identify and punish those who act in the way of dispute resolution. Around 38% of them thought that they should co-operate the process of Justice (Annex Table 40).

Nearly 39% of the respondents suggested that higher courts (formal courts) should send the minor litigations to the village court. Another 29% of the respondents think that Police/*Thana* should send the minor litigations to the village court (Annex Table 40).

A 35% of the respondents put emphasis on the proper and effective role of the UNO, DC and the concerned ministry in supervising and monitoring the activities of the village court. The other roles should play by these stakeholders, as opined by the respondents are: To ensure justice/ to protect the VC from biasness and nepotism; to train up/brief UP-Chairmen and members etc.

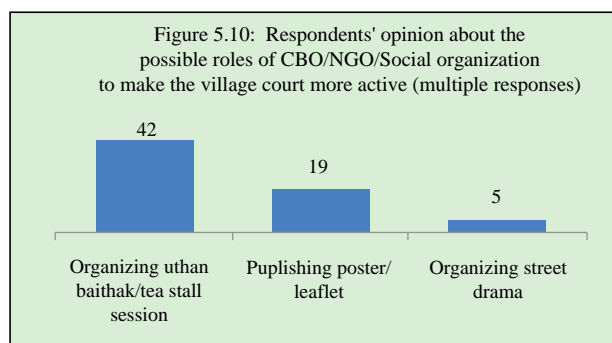
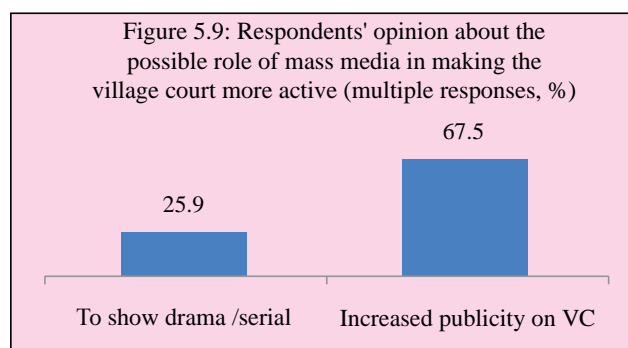


Table 5.6: Respondents' opinion about the possible roles of UNO, Court, DC, LGRD Ministry to make the village court more effective (multiple responses)

Expected role	% respondents
Supervise and monitor the activities of the village court	35.3
To ensure justice/ to protect the VC from biasness and nepotism	5.7
To train up/brief UP-Chairmen and members	5.1
To take action against the panel members who misjudge	3.7
UNO should make village people aware about VC	2.2
To cooperate the VC process and give necessary suggestions	2.6

See Annex Table 40 for detail

5.7.2 Findings from Interview with Key Informants

The majority of the key informants have viewed that the Government should take initiative to create mass awareness about the village court through the elected representatives of the UP. Members of the Union Parishads may discuss with people of their respective wards and make them aware about the jurisdiction and relative convenience of resolving disputes locally through the village courts. Community based organizations may be formed and the members of such organizations may be trained on village courts so that they can make other people aware through meetings and discussions, doorstep visits, tea stall sessions, "Uthan Baithak", etc. Public awareness campaigns may be initiated by arranging workshops, rallies, street drama, etc. The local NGOs may be integrated with the task of raising awareness. Village "Matbars", "Imams", UP chairmen-members, school teachers, and the community leaders should play their respective roles in this regard. The print and electronic media should also play their

"It is better if the petty disputes in the village can be resolved in Shalish without sending those to the village courts so that the relations between the two parties are not disturbed" –Md. Shahjahan Ali Mollah, UP Chairman, Dhaoa, Vandaria, Pirojpur.

roles to increase public awareness on village court.

Key informants have also opined that it is necessary to ensure (a) proper implementation of the verdict given by the village court, (b) proper and speedy resolution of disputes and (c) justice of the poor people.

A few of the key informants have viewed that the *Shalish* system should be integrated with the village courts. They have stressed the importance of ensuring an environment such that the relations between the two parties of the disputes are not violated, the social reputation of the litigants are not harmed, and that the disputed parties are not instigated to prolong their disputes which may ultimately hamper social stability. They have stressed that the “*Shalish*” system should be institutionalized so that the litigants are interested to resolve disputes in “*Shalish*” prior to going to the formal courts. If the disputes are not resolved in “*Shalish*” or any of the parties are not satisfied in the verdict of the “*Shalish*” then it should be approached in the village courts. There should be a provision such that the disputes which can be resolved in “*Shalish*” and Village Court must not be accepted by the formal court or *thana*. However, they have stressed the limitations of integrating “*Shalish*” with the village court within the existing jurisdiction provided under the existing Village Court Acts and Rules, and with regard to this, they have argued in favor of legal reforms.

A few respondents have opined that the village court should be separated from the Union Parishad. They have viewed that the elected representatives should not be given the jurisdiction to resolve disputes in village courts because of their partisanship attitude and nepotism. They have viewed that the Magistrates should be appointed in the village courts.

5.7.3 Findings from Responses of the FGD Participants

It was reported in the Focus Group Discussions that a major problem in institutionalizing the Village Court is that the verdict given by the court is often not implemented and the one party of the litigation do not want to comply with the decisions given by the court. It is reported that most of the verdicts are given one sided and often biased and so there remains a discontent among the other sides of the litigation. So the existing village courts acts and rules should make sufficient provisions for ensuring the implementation of the verdict given by the village court. The power of the village court should be increased and steps taken to keep the village courts away from the political influence and nepotism, and appropriate monitoring ensured in the activities of the village court. Government officials may be appointed for the purpose of monitoring [FGD: *Choufaldandi UP, Cox's Bazar*]

“If the village court is to be more active, the women should be given more space so that they can uphold their voice. It is necessary to ensure the rights and claims of the women. It is also necessary to make people aware by forming committees at the levels of wards and villages”. [FGD: *Buripukur, Chiringa UP, Chakaria, Cox's Bazar*]

“To make the village courts more effective, the following steps should be taken:

- i) *Ensure justice in village court*
- ii) *Ensure that justice is not delayed*
- iii) *Ensure punishment if someone does not comply verdict*
- iv) *Make people aware through radio, television*
- v) *Make community people aware through Immams, teachers, and other respectable members in the community*
- vi) *Make village courts free from political influence”*

[FGD, *Joyrampur, Hawli UP, Damurhuda, Chuadanga*]

5.8 Provisioning Pre and Post Trial Arbitration in Village Courts

The justice system under Village Courts Act of 2006 is restorative by default. Moreover, the spirit of the act also preaches conflict avoiding mindset among the people. So that the existing intolerant attitude that is prevailing in the society changes. Obviously, there will be misunderstanding and/or disputes between people living under the

same roof and/or among neighbors. But these disputes can always resolved if not through mutual consensus, and in case latter does not work attempts can be made to resolve involving family elders (if it is a family conflict) or community leaders. When all these attempts fail, then only the victim/ petitioner may approach to the UP Chairman for resolving the dispute in a restorative manner.

Considering the spirit delineated above, the provisions for pre trial arbitration between the disputing parties may be made by amending the Village Courts Rule. The members of the village court headed by the UP Chairman in this case may act as arbiters/mediators. Similar provision can be incorporated even at the post trial situation before the verdict is finally pronounced.

The stated approach is expected to lead to establish a society which will be more broadminded, less conflict prone and lenient by attitude.

The Village Courts in Bangladesh may design advocacy awareness interventions including behavior change through communication for promoting a peaceful and harmonious atmosphere in the society.

The above findings imply that, in general, most of the people in the rural communities are not at all or marginally aware of the Village Court. One of the causes in this regard is that both electronic and print media have not played adequate roles in popularizing various aspects of the Village Court (but the media has been playing important effective roles in the areas of primary healthcare, family planning, hygiene promotion, women's empowerment, education, right to vote etc). In some of the project areas where NGOs have played positive roles to popularize the Village Court, the community seemed to be well-informed about it, as compared to the rest of the project-catchment areas. From this perspective, it is essential that both mass media and NGOs have to be involved in disseminating information related to the Village Court. So, an appropriate basket of interventions as the vehicles for raising the knowledge, attitude and practice (KAP) level of the community have to be developed by the project involving all relevant stakeholders.

Apart from developing the KAP at the level of community about the Village Court, the project further needs to sensitize the people towards nurturing positive social values to resolve disputes amicably. The sensitization program should be designed in a way that it could promote a mindset for avoiding conflicts/disputes. This can be accomplished by exercising a restorative justice mechanism. Without introducing a restorative justice system, the situation in the Village Court may be overburdened with complaints as in case of the formal justice system of today in the country.

Comments: Knowledge level of the community about the village court is low. In most of the instances, they mix up village courts with *Shalish* conducted by UP chairman or members- as perceived by them. When further enquiry is made as to how and by whom the village court is constituted and about the jurisdiction of village court, etc., it is noticeable that a minority of the respondents are aware of the village court. It is observed that Unions where legal aid and/or human rights NGOs were active before the project started its operation the people are more informed about multifarious aspects related to Village Court.

The more a person belongs to a camp opposed to the UP Chair or Member in office, the more is the apprehension of not getting fair justice. Similar apprehensions have been revealed by the study in case of disputes between members from different minority religions, and ethnic communities. It is commonly believed that minorities in such disputes rarely get proper justice. The same is true for the poorer households.

If the sufferer of a dispute is woman- generally, the family elders try not to allow her to go outside the home for seeking the justice. In many instances, the senior citizens/community elite/opinion leaders from among the community also play the role of gatekeepers with regard to seeking justice. Local touts and agents of legal practitioners mislead commoners and act as impediments towards access to justice.

Overall lack of elementary legal knowledge among the community members causes sufferings to the affected persons. The UP Chairman and Members represent all the ministries at the local level and have busy schedules. For many of them, spending time into the Village Court's affairs without any financial benefit is reportedly a disincentive.

6

CHAPTER

INCLUSION OF RESTORATIVE JUSTICE DELIVERY SYSTEM IN VILLAGE COURT

6.1 Introduction

The project “Activating village courts in Bangladesh” has specific aim to enhance the activities of the village courts within the existing mechanism of law i.e., with the Village Court Act of 2006 and the Village Court Rules 1976. To do so, the research team has conducted a thorough field study focusing on the social barriers and limitations at different areas in Bangladesh. The report comes out with special recommendations to overcome the barriers and limitations. These recommendations may be immediately implemented to achieve the objective. However, for the long term effect “restorative justice” delivery system also may be incorporated in the laws relating to the village court.

6.2 Conceptual Frame of Restorative Justice

Conceptually restorative justice is a new way to respond to a criminal act. Restorative justice puts the emphasis on the wrong done to a person as well as on the wrong done to the community. It recognizes that crime is both a violation of relationships between specific people and an offence against everyone - the state.

Restorative justice programs involve the voluntary participation of the victim of the crime and the offender and ideally members of the community, in discussions. The goal is to “restore” the relationship, fix the damage that has been done and prevent further crimes from occurring.

Restorative justice requires wrongdoers to recognize the harm they have caused, to accept responsibility for their actions and to be actively involved in improving the situation. Wrongdoers must make reparation to victims, themselves and the community.

All restorative justice programs have some common elements. They seek healing, forgiveness and active community involvement. The programs can take place at different times after a crime has occurred - sometimes after charges have been laid; sometimes after an accused has been found guilty of an offence.

Some examples of restorative justice programs include:

- victim offender mediation;
- family group conferencing;
- sentencing circles;
- consensus-based decision-making on the sentence; and
- victim offender reconciliation panels.

Good restorative justice programs have well-trained facilitators who are sensitive to the needs of victims and offenders, who know the community in which the crime took place and who understand the dynamics of the criminal justice system.

Benefits of the victims of crime

The restorative justice process provides victims with the opportunity to express their feelings about the harm that has been done to them and to contribute their views about what is required to put things right. Some studies of restorative justice programs show that victims who are involved in the process are often more satisfied with the justice system and are more likely to receive restitution from the offender. Involvement can also help victims heal emotionally as well as lessen their fear of the offender and of being a victim of crime again.

However, restorative justice programs can be time-consuming and emotionally draining. For some crime victims, meeting the offender is difficult. The criminal justice system is working out ways to make sure that restorative justice programs give victims a voice in the process without pressuring them to participate or causing them more distress.

Participation of the victim of crime in restorative justice

A victim's participation is voluntary in restorative justice process. To help a victim decide whether or not to participate in a restorative justice program, the victim should be given complete information about the restorative justice process, possible outcomes, her or his role, the role of the offender and other process participants, as well as information about the criminal justice system options.

The fundamental principle is that restorative justice must not re-victimize the victim in any way. The process and the outcome should not cause further harm. Whether or not a victim of crime participates in a restorative justice program, she or he is entitled to all the victims' services that are available in the community.

To make the system effective the following methods may be applied:

(1) Victim Offender Reconciliation (Mediation)

VOMs involve a meeting between the victim and offender facilitated by a trained mediator. With the assistance of the mediator, the victim and offender begin to resolve the conflict and to construct their own approach to achieving justice in the face of their particular crime (Van Ness and Strong, 1997 at 69). Both are given the opportunity to express their feelings and perceptions of the offence (which often dispels misconceptions they may have had of one another before entering mediation) (Umbreit, 1994 at 8-9). The meetings conclude with an attempt to reach agreement on steps the offender will take to repair the harm suffered by the victim and in other ways to "make things right".

Participation by the victim is voluntary. The offender's participation is usually characterized as voluntary as well, although it should be recognized that offenders may "volunteer" in order to avoid more onerous outcomes that would otherwise be imposed (Umbreit, 1994 at 7-8). Unlike binding arbitration, no specific outcome is imposed by the mediator (Van Ness and Strong, 1997 at 69). Instead, the mediator's role is to facilitate interaction between the victim and offender in which each assumes a proactive role in achieving an outcome that is perceived as fair by both (Umbreit, 1994 at 7). As Chupp points out, unlike the traditional criminal justice system, VORPs involve active involvement by the victim and the offender, giving them the opportunity to mutually rectify the harm done to the victim in a process that promotes dialogue between them (Chupp, 1989 at 65-66).

(2) Conferencing Programmes

This is also similar to victim-offender reconciliation/ mediation programmes, in that they involve the victim and offender in an extended conversation about the crime and its consequences. However, Conferencing programmes also include the participation of families, community support groups, police, social welfare officials and attorneys in addition to the victim and offender (Stewart, 1996 at 66-73).

(3) Circles

As with the restorative processes of mediation and conferencing, circles provide a space for encounter between the victim and the offender, but it moves beyond that to involve the community in the decision making process. Depending on the model being used, the community participants may range from justice system personnel to anyone in the community concerned about the crime. Everyone present, the victim, victim's family, the offender, offender's family, and community representatives are given a voice in the proceedings. Participants typically speak as they pass a "talking piece" around the circle (Coates et. al. 2000: 6; Bazemore and Umbreit 2001:6)

(4) Victims' Needs

Victim assistance programmes provide services to victims as they recover from the crime and proceed through the criminal justice process. Attempts to meet victims' needs have been forged on two fronts: victims' rights

advocates lobby for and assert the rights of victims to have a primary role in the administration of justice (Karmen, 1992), while community support groups attempt to address the personal crises that may follow from victimization (Van Ness and Strong, 1997 at 113).

(5) **Restitution**

According to Weitekamp, restitution proactively involves the victim and offender in repairing the harm done to the victim (Weitekamp, 1992 at 82). Bakker posits that unlike retributive responses to crime, restitution has the potential to repair the financial and perhaps relational harms that crime has left in its aftermath (Baker, 1994 at 71-73). Evarts argues restitution is preferable because instead of simply increasing the total amount of harm suffered by interested parties, restitution aims at repairing the victim, and making the offender a productive person (Evarts, 1990 at 16-20). Restitution provides a sanction that is more clearly related to the offence than punitive measures, and it better restores a victim to the place he/she occupied before the offence (Bakker, 1994 at 1490).

Restitution serves to commemorate the gesture of reparation and acknowledgment of wrongdoing (Danieli, 1992 at 210-211). Instead of completely ignoring the harm done to individual victims, restitution acknowledges and attempts to repair the injury they have suffered. Whereas retributive and rehabilitative responses fail to address the harm inflicted on victims, restitution, when sought as an outcome of a restorative process, has as its primary motivation reparation to the victim. Thus, restitution is said to better satisfy a victim's need for vindication, as the offender must personally acknowledge and account for the offence (Bakker, 1994 at 1498).

(6) **Community Service**

Baker has proposed the following (or a variation of the following) definition for reparation: "action by the offender to make good the loss suffered by the victim" (Baker 1994). The question becomes whether the community truly ever is a victim, and if so, whether community service actually makes good the community losses. Some have answered in the affirmative, positing that the community is a secondary victim that is indirectly injured by crime (Van Ness and Strong, 1997). For example, the community suffers psychological injury from the fear of crime, and more tangible injuries, such as rising insurance costs. Others argue that the harms suffered by the community as a result of crime are too intangible to calculate, and consequently the service imposed is arbitrary.

6.3 Proposed Restorative Justice Delivery Model

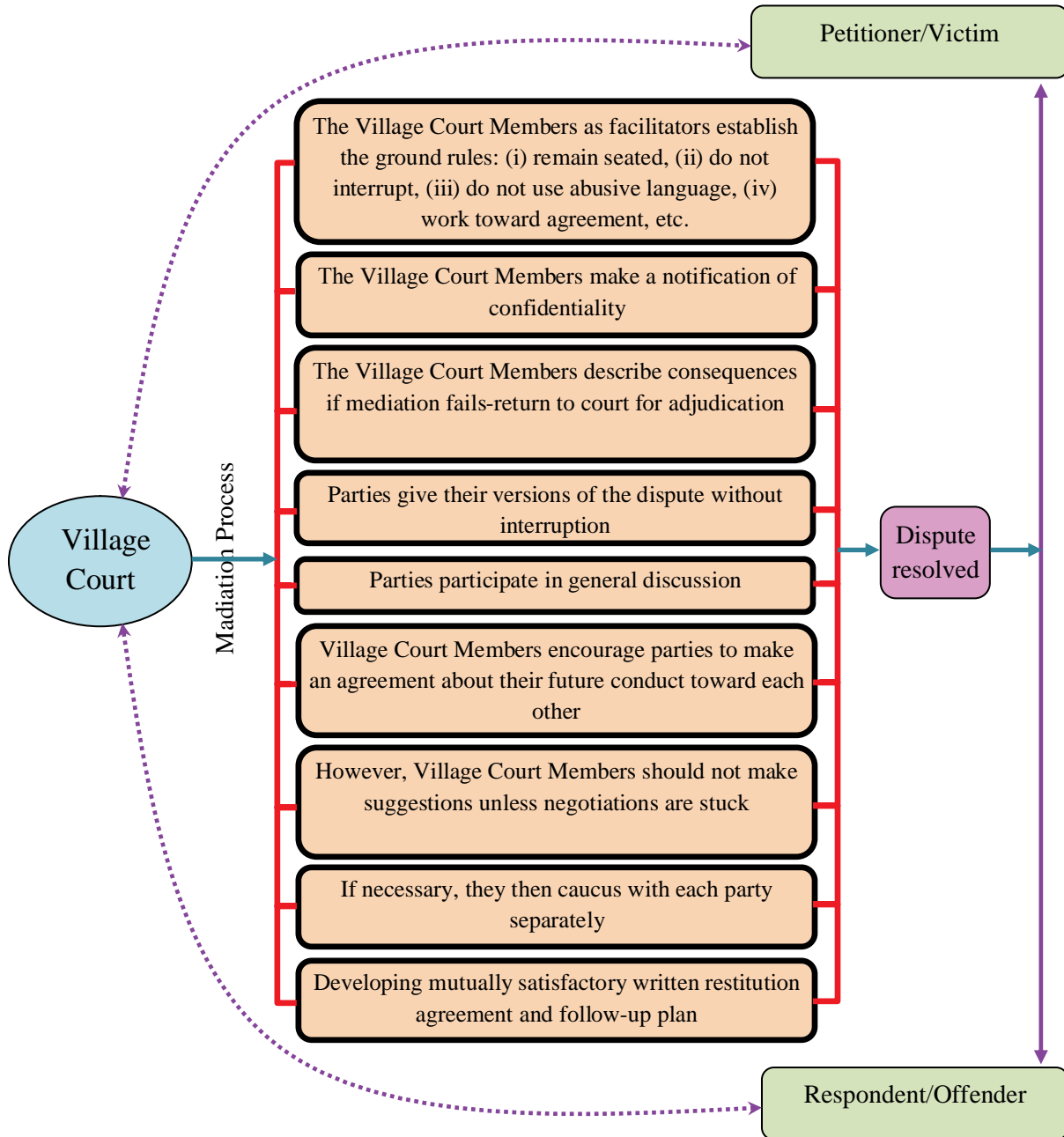
At present, the restorative method of justice delivery is not possible within the purview of the existing law and rule relating to the village court but in the long run when the village court act of 2006 and village court rule of 1976 will be amended to keep pace with reality it is highly recommended to incorporate this method in the act and rule as well. Considering future need a working definition of the restorative justice in the context of village court in Bangladesh has been devised for consideration of the Activating Village Court in Bangladesh Project.

Thus, restorative justice is a process whereby all the parties with a stake in a particular dispute (petitioner, respondent, constituted village court members for the dispute resolutions) come together to resolve collectively how to deal (settle) with the aftermath of the dispute and its implications for the future without taking punitive measure. There are some models of restorative justice in the literature. However, according to our best judgment the adopted version of mediation model seems to be much applicable for replication in Bangladesh under the Village Court Act. The project may consider the same for piloting in a few unions.

After accepting any complain by the UP chairman, as per rule, a Village Court is constituted involving two persons nominated by each of the parties (where one must be a UP member) and the UP chairman presides over the Court. Before initiating the further formal procedures of adjudication under the Village Court Act and rule, the constituted Village Court may try to apply the mediation model. Hence by default, the chair and the members of the Village Court are neutral-third party; they may undertake the role of mediator and facilitate dialogue between petitioner (victim) and respondent (offender). In this dialogue with proactive participation of both the disputing sides, the victim will have the scope to talk about how the dispute affected him/her/them. Both the sides (the petitioner and respondent) share pertinent information which will be followed by developing

a mutually satisfactory written restitution agreement, and a follow-up plan. Thus, the petitioner (victim) and respondent (offender) sides will be able to complete the core restorative process under the facilitation of Village Court members. Restitution agreements may be made enforceable by the Village Court. In any case, if any of the party feels that the restitution agreement is not followed by the other side, the provisions should be made to bring to the notice of UP chairman about such violation, and the chairman should set-a-side the restitution agreement and reopen the process for disposal of the original complain as per existing Village Court Rule. Schematically, the proposed restitution process is presented below.

Figure 6.1: Village Court Restorative Justice Model



7 CHAPTER

KEY FINDINGS AND RECOMMENDATIONS

7.1 Key Findings

Exposure to Disputes

- About 33% of the survey respondents have faced disputes during the last 3 years.
- Although the respondents had exposure to various types of disputes over the last three years, fight or quarrel between individuals (36.6% of the applicable households), family conflicts (27%) and conflict over land occupation (16.8%) were the major types of disputes.
- Numbers of respondents facing disputes during the last 3 years preceding the survey were the highest in Dhaka division (64%) and lowest in Khulna division (15%).
- Numbers of land occupation-related disputes were highest in Chittagong division (27%) and lowest in Rajshahi division (6%). Disputes related to demarcation of land were the highest in Sylhet division (15%) and lowest in Dhaka division (2%); and disputes related to selling/ purchasing of land the highest in Barisal division (7.9%) and lowest in Dhaka division (2%).
- Number of cases regarding family conflict is highest in Rajshahi division (40%) and lowest in Sylhet division (6.5%); fight/quarrel is highest in Dhaka division (58%) and lowest in Chittagong division (14%); violence against women is highest in Chittagong division (11%) and lowest in Dhaka division (2%); dowry is highest in Rajshahi division (10%) and lowest in Sylhet division (2%); and physical assault is highest in Chittagong division (10%) and lowest in Barisal and Rajshahi divisions (2%).
- As steps taken to *settle* disputes- 36.8% of the applicable households have sought “*Shalish*”, followed by 28.1% who just remained inactive. A 17.4% of the applicable households approached to the Village Court (VC) for dispute resolution.

Knowledge/Awareness about Village Courts

- Only 2% of the applicable respondents (1.4% of all respondents) were able to mention that the Village Court is constituted with the UP Chairman as its Chairman and four other members to be nominated by the parties in the manner each of the parties is to nominate two members among whom one must be a UP member. Dhaka division shows the highest proportion (5.2%) of respondents reporting the correct composition of the Village Court. Nearly 23% of the respondents reported to have no knowledge about the formation of the VC. In most instances, the respondents confuse village court with “*Shalish*”.
- Only 4% of the respondents know that the Village Court is authorized to deal with disputes whose money value is up to Tk. 25,000.

Why respondents consider particular dispute resolution mechanisms more effective for poor/ marginalized

- A 72% of the respondents think that “*Shalish*” is an effective dispute resolution mechanism for seeking justice for the poor/marginalized. Only 23.8% of the respondents mentioned of Village Court as an effective instrument for them.

a. Why Shalishis is more effective

- A 75.8% of the applicable respondents prefer *Shalish* because it does not require money

- A 37.6% of the respondents prefer it because it is less time consuming
- The other reasons for preferring *Shalish*, as opined by the applicable respondents, are:
 - ✓ *Shalish* ensures justice (23.8%)
 - ✓ *Shalish* involves less harassment (15.9%)
 - ✓ Good relations exist between petitioner and respondent even after the *Shalish's* decision (18.2%)

b. Why Village Courts are more effective

- A 69.6% of the applicable respondents (16.6% of all respondents) prefer Village Court (if it functions in the form as described in the Act), because it requires less amount of money followed by another 42.3% respondents who think that an individual can get justice form it.
- The other reasons for preferring VC are:
 - ✓ It requires relatively less time to resolve dispute (39.3%)
 - ✓ It does not require bribe (14.6%)
 - ✓ Less harassment/good relations/peace prevails between the two parties or in the area (15.8%)

c. Why Higher Courts (formal courts) are more effective

- A 72.6% of the applicable respondents (3.2% of all respondents) prefer the Higher Court, because it ensures justice
- Another 41.9% of the respondents prefer it because the trial is conducted according to the rules and regulations in the Higher Court
- The other reasons for preferring higher courts are:
 - ✓ Political or party influence is not there (17.7%)
 - ✓ The case is conducted with some law practitioners (14.5%)

Why respondents consider particular dispute resolution mechanisms more effective for women

- Seventy-two per cent of the respondents (68.8% of the males and 75.2% of the females) think that “*Shalish*” is more effective dispute resolution mechanism for seeking justice for women
- Only 18.4% of the respondents mentioned Village Court as more effective for seeking justice for women
- The remaining 10% opined that formal courts are more effective for women to get justice.

a. Why Shalish is more effective

- As per about 51% of the respondents *Shalish* is more effective for women because it does not require money and the trial is speedy. Another 47.4% respondents think that *Shalish* preserves the secrecy of women and hence does not hamper their prestige.

b. Why Village Courts are more effective

- Nearly 55% of the respondents viewed that *Village Court* is more effective for women because it does not require money. They also mention about the speedy trial of *Village Court*. Another 38% of the respondents found *Village Court* to ensure justice

c. Why Higher Courts (formal courts) are more effective

- Although minimal (10%) in proportion, 58% of those who were in favour of formal courts replied that they are women-friendly and women get proper justice there

Socio-economic and Political barriers to ensuring justice to the poor

- Weak social standing has been viewed as the most crucial social barrier for seeking justice for the poor and marginalized people (64%).
- A 45.2% of the respondents viewed that seeking justice of a ‘bad’ occurrence would hamper their family reputation/social dignity.
- Embargo by the guardians/elders in the family and/or the community leaders is also a social barrier (20.6%).
- A 46.7% of the respondents think that if the victim is an opponent of the UP chairman, s/he will not get justice.
- Another 39% of the respondents opined that political affiliation of the victim would affect a poor person’s justice seeking.
- About 78% of the respondents viewed that economic status of the poor people is a barrier to seeking justice for the poor and marginalized people.

Social barriers to ensuring justice to women

- A 62% of the respondents believe that women’s concern about family reputation/social dignity is a crucial barrier for them to seek justice of an occurrence.
- Another 50% respondents think that women’s weak social status is another barrier for them to seek justice.
- Nearly 39% of the respondents viewed that apathy of guardians is a barrier for them to seek justice.

Barriers to activating the village courts

- Lack of awareness of mass people about the constitution, function, composition and jurisdiction of Village Court has been viewed as a possible barrier in activating the village courts by 55.7% of the respondents.
- Nearly half (49.9%) of the respondents opined that biasness, nepotism, political influence, bribe, misjudgment of VC officials etc. are crucial barriers in activating the village courts.
- The other major barriers are:
 - ✓ Misguidance by local touts to approach to higher courts
 - ✓ Low level of jurisdiction of VC
 - ✓ Implementation of the verdict is uncertain
 - ✓ Lack of manpower of VC

Strengthening the Village Court

- Slightly over 62% of the respondents demanded ensuring fair justice to the victim by the VC.
- A 55% of the respondents replied that increasing awareness of the people about Village Court and its

authority would make the VC more effective

- Another 26% of the respondents viewed that power (authority and jurisdiction) of VC should be increased to make it more effective
- The other relevant opinions are:
 - ✓ Proper monitoring of VC activities by higher authority
 - ✓ Adequate staffing for managing the departmental activities of the VC
 - ✓ Infrastructure and logistic development of VC
 - ✓ Capacity development of UP chairman and others

Who should play what role in activating the Village Court

a. UP Chairmen/members

- A 61% of the respondents viewed that the UP chairmen and members should ensure justice in the village court
- Nearly 55% of the respondents suggested that UP representatives should be involved in raising peoples' awareness about village court

b. Mass Media

- Sixty-eight per cent of the respondents opined that the mass media should be involved in increasing awareness about village court through publicity
- A 26% of the respondents also viewed that the media could broadcast drama/serial on village court for raising people's awareness

c. CBO/NGO/Social Organization

- A 42% of the respondents suggested *Uthan boithak* (courtyard session)/tea stall session on village court by different CBOs, NGOs and Social Organization. Another 19% of them also opined publishing poster/leaflet on the matter.

d. Political Leaders/Social Elite

- A 41% of the respondents want the local political leaders/social elites to play role to ensure dispute resolution in the village court.

e. Court/Police/Thana

- 39% of the respondents suggested that higher courts (formal courts) should send the minor litigations to the village court
- Another 29% of the respondents think that Police/*Thana* should send the minor litigations to the village court

Others (UNO/DC/Court/LGD, etc.)

- A 35% of the respondents put emphasis on the proper and effective role of the UNO, DC and the concerned ministry in supervising and monitoring the activities of the village court.
- The other roles should play by these stakeholders, as opined by the respondents are:
 - ✓ To ensure justice/ to protect the VC from biasness and nepotism
 - ✓ To train up/brief UP-Chairmen and members etc.

7.2 Recommendations

Based on the analysis presented in the earlier chapters and analysis of the recommendations forwarded by the survey respondents, FGD participants, and key informants including interview with the legal experts, the

following recommendations are forwarded for making the village courts more effective and functional for seeking justice especially for the poor, marginalized and women:

- (i) **Proper training:** It is evident from our analysis in the earlier Chapters that lack of legal and procedural knowledge and training among the Chairmen and members of the UPs is a major limitation of village court. It therefore implies that the UP Chairmen, members and secretaries should be properly trained up especially on legal and procedural aspects of village court. Training should be provided at grass-root level, which is to say, at every Union Parishad. They should also be provided with necessary books and materials.
- (ii) **Post of Court Assistant should be created at UP:** A post of Court Assistant should be created at each Union Parishad. He or she must be educated and properly trained up for performing official activities of Village Court.
- (iii) **Providing separate budget:** Separate budget should be allocated for Village Court. Certain amount should be fixed for incurring the cost of referring the dispute to Village Court from Judicial Magistrate or Assistant Judge.
- (iv) **Supervision and monitoring:** At present, the UNO is the supervisory authority of the village courts. In addition to UNO, Chief Judicial Magistrate should be involved for monitoring of Village Court.
- (v) **Neutrality:** Village Court members and officials must be neutral. If they act neutrally, villagers will respect Village Court and in this way public confidence upon Village Court will be achieved. The concerned authority should take measures about how to ensure neutrality of village court's decision.
- (vi) **Pecuniary jurisdiction:** Pecuniary jurisdiction of the Village Court should be increased.
- (vii) **Adequate relief:** Village Court should be empowered to award punishment if decision given by the Court is not complied with and at the same time power to impose fine should be increased exceeding TK. 500.
- (viii) **Educational qualification:** Those who need to sit in Village Court should have minimum educational qualification. However, the reality is that in most cases, the village court members' educational qualification is not up to the mark. Because the Chairmen and members of the UPs are public representatives, there is no automatic way to ensure their educational qualification. Therefore, the government should think proactively about how to deal with the issue.
- (ix) **Logistic support:** For maintaining minimum legal atmosphere—separate rooms, chairs, tables, papers, pens, notice-board, *Ejlas*, lockers, etc. should be provided.
- (x) **Special remuneration:** Special remuneration should be provided to the members and other staff of Village Court, so that they have enough incentive in forming and running Village Court. Best performing chairmen may be awarded and the remuneration of legal assistants should be regularised.
- (xi) **Implementing authority:** Village Court should have power to implement its decision by way of attachment and auction sale.
- (xii) **Increased publicity and awareness:** The government should take initiatives to create mass awareness about the village court. Chairmen and members of the UPs may play roles by discussing with the people of their respective localities and making them aware about the jurisdiction and relative convenience of resolving disputes locally through the village courts. NGOs and community based organizations may

be given the task of raising awareness through “Uthan Baithak”, tea-stall sessions, door-step visits, rallies, workshops, etc. Village “matbars”, “Imams”, school teachers, and the community leaders may play good roles in this regard. Print and electronic media should also extend their support in raising mass awareness about the village court.

- (xiii) **How to deal with the social barriers:** It has been learnt from the study that the complex socio-economic and political reality deeply rooted in the rural society is a major barrier in making the Village Courts by active and realizing the appropriate outcomes from the Village Court system. Traditionally, the rural society of the country is characterized by the influence of the local elites and muscle power, political influence, kinship network, influence of the local “touts”/“dalal”, existence of social and religious “taboo”, “fatwa”, strong patriarchal norms, etc. It is evident from the analysis of the earlier chapters that these act in the way of getting justice by the poor/marginalized and women especially from the local level dispute resolution (i.e., *Shalish* and Village Court). To address these problems from the part of the project, there are no other alternatives of raising awareness and publicity including workshops, rallies, etc. However, tackling these problems is not a very short term process and is not wholly under the purview of the terms of reference of the project. These are very macro-level issues and are associated with the national objectives of eradication of poverty and inequality, illiteracy, gender disparity, etc. Since the last few decades, there have been commendable achievements both from the parts of the government and the NGOs in addressing these issues. Still there is a long way to go. The government should give more focus in eradicating poverty, illiteracy and gender disparity in its national policies and programmes.
- (xiv) Provisions of pre and post trial arbitration/*Shalish* may be incorporated in the Village Court Rules where members of the Village Court led by the UP Chairman as chair will act as arbiters.
- (xv) The Project may consider initiating necessary steps towards incorporation of a mediation model based on the spirit of restorative justice delivery system within the purview of the Village Courts Act and Rules.

Finally, any effort intended to make the Village Courts active and to increase its Jurisdiction must take into consideration that the peace and harmony of the rural areas are preserved and the social stability is maintained. Therefore, any intervention in making the Village Courts active must ensure that the disputes which can be resolved in “Shalish”/arbitration with satisfaction of both the parties of the disputes may be encouraged. The government thus may appoint the legal experts in examining how much scope exists in integrating “Shalish” with the Village Court and also in examining how much legal reform is needed to do so.

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ANNEXURE

Annex A: Sample Design

Annex B: Village Courts Act, 2006

Annex C1: Tables and Figures

Annex C2: Primary Tables by Division

Annex D: Data Collection Instruments

Annex E: Summary of Case Studies

Annex A: Sample Design

Sample Design for Quantitative Survey

A statistically valid sampling approach has been adopted in selecting a representative sample of respondents for the study. Basing on the nature of the study context of the target population, the following sampling strategy has been followed.

An estimated population size in the study area is 17,471,475. The estimates have been made exploiting information in the latest statistical yearbook and Bangladesh Population Census of 2001 and they are provided below. Number of unions of 76 upazilas = 500

Sample size

For obtaining a representative sample size, a probabilistic sampling approach has been applied. A **three-stage** random sampling strategy has been used. At the first stage, 20% of all project upazilas in each divisions has been randomly selected using the PPS principles. At the second stage, proportionate Primary Sampling Units (PSUs) has been chosen, Union being the PSU. At third stage, proportionate number of households in respective unions has been randomly chosen. At the second stage, 10% design effect and at the third phase 20% design effect has been considered for each of the stage.

Now, for a representative sample of unions, we consider 95% confidence level, 11% coefficient of variation and 3% precision level. In line with the above we have determined PSU sample size. For such purpose a sound statistical formula has been used.

$$n = \frac{Z^2 CV^2}{e^2}$$

Where,

n = sample sizes

CV = Coefficient of variation

e = precision level

Z = Standard normal variate value at 95% confidence level.

Using 10% design effect a representative sample size of PSUs has been determined to be **n = 57**. PSUs will be selected using Probability Proportionate to Size (PPS) by number of households after proportionate allocation among selected 15 upazillas.

The total population in the project unions is 17,471,475. For such a population a representative sample size has been used. Thus, the formula given below has been used to determine sample size for households.

$$n = \frac{Z^2 PQ / C^2}{1 + \frac{Z^2 PQ}{C^2} \frac{N}{n}}$$

Where,

n = Sample size

P = A dichotomous probability

Q = 1-p

Z = Standard normal variate (1.96)

C = Precision level

N = Population size

It is to be noted that an approximate value of $P= 50\%$ which satisfies normality assumption very well has been used with a confidence level of 95% and an allowable precision level of 3%. Thus, a workable sample size of households assuming design effect of 10% has been determined to be $n = 1278$ Among the determined sample households 50% respondents are the household heads and rest 50% are spouses of the household heads or any other knowledgeable members of the households.

Sample size of Unions, villages and households

Description of population	Population size	Sample size	Anticipated standard error	Co-efficient of variation	Assumed design effect
Union	500	57	3%	11%	1.10
population	17,471,475	1278	3%	---	1.20

Issues of Non-responses

In sample surveys unit non-response and item non-response happens and this affects parameter estimates. Hence care has been taken so that such non-responses are very minor. In order to meet both types of non-responses a double sampling strategy has been adopted. In order to be certain about 100% unit and item responses, n is proposed to be multiplied by a factor given below -

Where,

P_1 = observed response rate,

C_0 = cost per unit interview,

C_1 = cost for processing per questionnaire of observed response

C_2 = cost of obtaining data per unit of non-responding units and processing hereafter.

From our previous experience we have estimated such multiplying factor to be 1.05-1.20. Hence, our final sample size for respondents is estimated to be 1406 using the factor 1.05.

Annex B: The Village Courts Act, 2006 (translated version)

The Act is enacted to constitute Village Courts with an easy and speedy trial of certain disputes and cases in the areas of every Union of Bangladesh

Now, therefore, it is significant and necessary to establish Village Courts and related rules to trial of certain disputes and cases in the areas of every Union, and matters connected herewith;

1. Short Title, commence and application—

- (1) This Act may be called Village Courts Act, 2006
- (2) It shall come into force at once;
- (3) It extends only to the areas within Unions.

2. Definitions—

- (a) “Cognizable offence”— means a cognizable offence as defined in the Code of Criminal Procedure;
- (b) “Union”— means the Union as defined in Section 2 (26) of the Local Government (Union Parishads) Ordinance, 1983 (Ordinance No.LI of 1983);
- (c) “Union Parishad”— means the Union Parishad as defined in Section 2 (27) of the Local Government (Union Parishads) Ordinance, 1983 (Ordinance No.LI of 1983);
- (d) “Assistant Judge having jurisdiction”—means an Assistant Judge within the limits of whose territorial jurisdiction the union concerned is situated, and where more Assistant Judges than one such jurisdiction, the most junior of such Assistant Judges;
- (e) “Village Court”—means a Village Court constituted under Section 5 of this Act;
- (f) “Chairman”— means Chairman of Village Courts;
- (g) “Schedule”— means Schedule of this Act;
- (h) “Penal Code”—means Penal Code of 1860 (Act No. XL V of 1860);
- (i) “Code of Civil Procedure”—means Code of Civil Procedure, 1908 (Act No. V of 1908);
- (j) “Prescribed”—means prescribed by the Rules;
- (k) “Party”—shall include any person whose presence as such is concerned necessary for a proper decision of the dispute and whom the Village Court adds as a party to such dispute;
- (l) “Code of Criminal Procedure”— means Code of Criminal Procedure, 1998 (Act No. V of 1998);
- (m) “Rules”—means the Rules framed under this Act;
- (n) “Award”—means an award pronounced by the Village Court.

3. Cases triable by Village Courts. – (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1908 (Act V of 1908), or in the Code of Civil Procedure, 1908 (Act V of 1908), all cases relating to offences specified in Part I of the Schedule and to matters specified in Part II there of shall, save as otherwise provided hereinafter, be triable by Village Courts, and no Civil or Criminal Court shall have jurisdiction to try any

such case or suit.

- (2) A village Court shall not try a case relating to an offence specified in Part I of the Schedule if the accused had previously been convicted of a cognizable offence or a case relating to any matter specified in Part II of the Schedule if –
 - (a) The interest of a minor is involved in the suit;
 - (b) Provision for arbitration has been made in a contract between the parties to the dispute;
 - (c) The Government or a local authority or a public servant acting in the discharge of his duty is a party to the dispute.
- (3) The provisions of sub-section (1) shall not apply to a suit or proceeding to establish a title to any immovable property in respect of which an order for delivery of possession has been made by a Village Court or to recover possession thereof.

4. Application for constitution of a Village Court.- (1) Where a case is, under this Ordinance, tribal by a Village Court, any party to the dispute may, in the prescribed manner and on payment of the prescribed fee, apply to the Chairman of the Union Parishad concerned for the constitution of a Village Court for the trial of the case, and the Chairman shall, unless for reasons to be recorded in writing, he rejects the application, proceed to constitute, in the prescribed manner, a village Court for the purpose:

Provided application under this section shall be made against a person of unsound mind.

- (2) Any person aggrieved by an order of rejection under sub-section (1) may, on the ground that the order is mala fide or substantially unjust, prefer, in the prescribed manner and within the prescribed time, an application for revision to the Assistant judges Court having jurisdiction.
5. Village Courts, their composition, etc. – (1) A Village Court shall consist of a Chairman and four members to be nominated, by each of the parties to the dispute;

Provided that one of the two members to be nominated by each party shall be a member of the Union Parishad concerned.

- (2) The Chairman of the Union Parishad shall be the Chairman of the Village Court, but where he is, for any reason, unable to act as Chairman or his impartiality is challenged by any party to the dispute, any member of the Union Parishad other than those nominated by the disputant parties shall be the Chairman of the Court.
- (3) If either party to the dispute consists of more than one person the Chairman shall call upon the persons constituting that party to nominate the two members on their behalf, and if they fail so to nominate, shall authorize any of such person to do so, and there upon the persons so authorized shall alone have the right to nominate such members.
- (4) If any party to the dispute does not find any member of the Union Parishad to be impartial, he may seek the permission of the Chairman to nominate any other person to be a member of the Court in place of the member of the Union Parishad.
- (5) Where members required under this section to be nominated are not nominated within the prescribed time, the Village Court shall without such members, be deemed to have been validly constituted and trial shall proceed accordingly.
6. (1) Jurisdiction of Village Courts, etc. – A Village Court shall be constituted and shall have jurisdiction to

try a case only when the parties to the dispute ordinarily reside within the limits of the union in which the offence has been committed or the cause of action has arisen.

- (2) If the disputants are residing in two different Unions, Parishad then the Village Court shall be constituted in the Union, where the Offence has been committed or the cause of action has been arisen. In that case each party shall have the authority to send their nominated representative to the Village court.

7. Powers of Village Court to award compensation.—(1) Save as otherwise provided in this Act, a Village Court shall holds a person guilty of an offence specified in Part 1 of the Schedule, it may order the accused to pay compensation of an amount not exceeding twenty five thousand taka.

- (2) In a suit relating to a matter specified in part II of the Schedule the Village Court shall have power to order payment of money up to the amount mentioned therein in respect of such matter or delivery of property or possession to the person entitled thereto.

8. Finality of the decisions of Village Courts – (1) If the decision of a Village Court is unanimous or by a majority of four to one or in presence of four by a majority of three to one the decision shall be binding on the parties and shall be enforceable in accordance with the provisions of this Act.

- (2) If the decision of a Village Court is by a majority of three to two, the aggrieved party may, within thirty days of the decision, apply, in the prescribed manner,-

- (a) If the case relates to an offence specified in Part I of the Schedule, to the Court of the First Class Magistrate having jurisdiction, and
- (b) If the case relates to a matter specified in Part II of the Schedule, to the Court of the Assistant Judge Court having jurisdiction.

and the First Class Magistrate, or as the case may be, the Assistant Judge, if satisfied that there has been a failure of Justice made by the Village Court, may aside or modify the decision, or direct that the dispute referred back to the Village Court for reconsideration.

- (3) Notwithstanding anything contained in any other law for the time being in force, any matter decided by a Court in accordance with the provisions of this Act shall not be tried in any Court, including a Village Court.

9. Enforcement of decrees, --

- (1) Where a village Court decides to award compensation to a person or to order the delivery of property or possession it shall pass a decree in such form and in such manner as may be prescribed, and shall enter the particulars thereof in the prescribed register.
- (2) If any money is paid or any property or possession is delivered in the presence of the Village Court in satisfaction of the decree, it shall enter the fact of payment or delivery, as the case may be, in the aforesaid register.
- (3) Where a decree related to payment of compensation and the decreed amount is not paid within the prescribed time, the same shall, the Chairman of the Village Court shall recover as arrears of land revenue under the Public Demands Recovery Act, 1913 (Act No. III of 1913), and on recovery, shall be paid to the decree-holder.
- (4) Where the satisfaction of a decree can be had otherwise than by payment of compensation, the decree may be presented for execution to the Court of the Assistant Judge having jurisdiction and such Court shall thereupon proceed to execute the decree as if it were a decree passed by itself.

- (5) A Village Court may, if it thinks fit, direct that the amount of compensation be paid in such installments as it may fix.

10. Power of Village Court to summon witnesses, etc.—

- (1) A Village Court may issue summons to any person to appear and give evidence, or to produce or cause the production of any document:

Provided that –

- (a) No person who is exempt from personal appearance in court under subsection (1) of Section 133 of the Code of Civil Procedure, shall be required to appear in person ;
- (b) A Village Court may refuse to summon a witness or to enforce a summons already issued against a witness when in the opinion of the Court the attendance of the witness cannot be procured without such delay, expense or inconvenience as in the circumstances would be unreasonable; Procured without such delay, expense or inconvenience as in the circumstances would be unreasonable ;
- (c) A Village Court shall not require any person living beyond its jurisdiction to give evidence or to produce or cause the production of a document unless such sum of money is deposited for payment to him as the Court would think sufficient for defraying his travelling and other expenses;
- (d) A Village Court shall not require any person to produce any secret document or unpublished official record relating to any affairs of the State or permit any person to give any evidence derived from such secret document or unpublished official record except with the permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit.
- (2) If any person to whom a Village Court has issued summons to appear and give evidence or to produce or cause the production of any document before it willfully disobeys such summons, the Court may take cognizance of such disobedience, and after giving such person an opportunity to explain, sentence him to a fine not exceeding five hundred taka.

11. Contempt of Village Courts. –

- (1) A person shall be guilty of contempt of a Village Court if he, without lawful excuse.–
- (a) offers any insult, degrading statement, threatening, attacking to the Court or any member thereof while the Court is functioning as such; or
- (b) causes any interruption in the work of the Court; or
- (c) fails to produce or deliver a document when ordered by the Court to do so; or
- (d) refuses to answer any question of the Court which he is bound to answer ; or
- (e) refuses to take oath to state the truth or to sign any statement made by him when required by the Court to do so may try such person for such contempt.
- (2) The Court may, without any complaint having been made to it under subsection 1, try such person for such contempt and sentence him to a fine not exceeding five hundred taka.

12. Recovery of fine, --

- (1) Where a Village Court imposes a fine under section 10 or section 11 and such fine is not immediately paid, it shall record an order stating the amount of fine imposed and the fact that it has not been paid, and shall forward the same to the Magistrate having jurisdiction to recover the same.

- (2) After having recommendation under subsection (1) the Magistrate shall proceed to recover it in accordance with the provisions of the Code of Criminal Procedure, as if it were a fine imposed by himself, and such Magistrate may also sentence the accused to imprisonment in default of payment of such fine.
 - (3) All fines paid to a village Court under sections 10 and 11, or collected on behalf of a Village Court under this section, shall form part of the funds of the Union Parishad.
13. Procedure. –
- (1) Save as otherwise expressly provided by or under this Act, the provisions of the Evidence Act, 1872 (Act no. I of 1872), the Code of Criminal Procedure, and of the Code of Civil Procedure, shall not apply to proceedings before any Village Court.
 - (2) Sections 8,9,10 and 11 of the Oaths Act, 1873 (Act No. X of 1873), shall apply to all proceedings before village Courts.
 - (3) For the prosecution of a public servant for an offence triable under this Act, previous sanction of the appointing authority shall be committed by him was committed while acting or purporting to act in the discharge of his official duties.
14. No appearance through counsel-
- (1) Notwithstanding anything contained in any other law, no legal practitioner shall be permitted to appear on behalf of any party to a dispute before any Village Court.
15. Representative on behalf of a government servant, *pordanashin* lady and disable persons:
- (1) If a government servant is required to appear before the Village Court satisfies the court with permission of the superior authority that his appearance will hamper the duties, the Court may permit him to be represented by a duly authorized agent before the Village Court.
 - (2) If a person required to appear before a Village Court under this Act is a *pordanashin* lady or disable persons, the Court may permit her/him to be represented by a duly authorized agent before the Village Court.
 - (3) Person appointed under subsection 1 shall in no case be a paid agent.
16. Transfer of certain cases: (1) Where the district Magistrate is of opinion that the circumstances of a case relating to a matter falling under Part 1 of the Schedule and pending before a Village Court are such that the public interest and the ends of justice demand its trial in a Criminal Court, he may, notwithstanding anything contained in this Act, withdraw the same from the Village Court and forward it to the Criminal Court for trial and disposal.
- (2) A village Court may if it is of the opinion that in a case relating to a matter as aforesaid and pending before it the ends of justice demand a punishment for the accused forward the case to the Criminal Court for trial and disposal.
17. Investigation by police: Nothing in this Act shall prevent the police from investigating cognizable case by reason of the fact that the case relates to an offence specified in Part 1 of the Schedule, but if any such case is taken to a Criminal Court, such Court may if it thinks fit, direct that it be referred to a Village Court under this Act.
18. Pending cases.—This Act shall not apply to cases triable under this Act which, immediately before the coming into force of this Act, are pending in any Civil or Criminal Court, and such cases shall be disposed of by such court as if this Act had not been promulgated.
19. Power to exempt: The Government may, by notification in the official Gazette, exempt any area or areas, or any case or class of cases, or any community from the operation of all or any of the provisions of this Act.
20. Power to make rules: The Government may, by notification in the official Gazette, make rules to carry into effect the provisions of this Act.

21. Repeal: The Village Court Ordinance, 1976 (Ordinance No. LXI of 1976), is hereby repealed.

SCHEDULE

PART I: Criminal Cases

1. Sections 143 and 147 of the Penal Code read with the Third or the Fourth clause of section 141 of the Code, when the common object of the unlawful assembly is to commit an offence under sec. 323 or 426 or 447 of that Code, and when not more than ten persons are involved in the unlawful assembly.
2. Sections 160, 334, 341, 342, 352, 358, 504, 506 (first part), 508, 509 and 510 of the Penal Code
3. Sections 379, 380 and 381 of the Penal Code when the crime against the cattle and the value involved does not exceed twenty five thousand taka.
4. Sections 379, 380 and 381 of the Penal Code when the crime against any other property other than the cattle and the value of property involved does not exceed twenty five thousand taka.
5. Sections 403, 406, 417 and 420 of the penal Code when the amount in respect of which the offence is committed does not exceed twenty five thousand taka.
6. Section 427 of the Penal Code when the value of the property involved does not exceed twenty five thousand taka.
7. Sections 428 and 429 of the Penal Code when the value of the animal does not exceed twenty five thousand taka.
8. Sections 24, 26 and 27 of the Cattle-trespass Act, 1871 (Act. No. 1 of 1871).
9. Attempts to commit or the abetment of the commission of any of the above offences.

PART II: Civil Suits

1. Suit for the recovery of money on due contracts, receipts or other documents.
2. Suit for the recovery of movable property, or for the value thereof.
3. Suit for the recovery of possession of immovable property within one year of dispossession.
4. Suit for compensation for wrongfully taking or damaging movable property.
5. Suit for damages by cattle trespass.
6. Suit for payable wages of the farmer and recovery of compensation.

When the amount claimed or the price of movable property or the value of immovable property involved does not exceed twenty five thousand taka.

Annex C1: Tables and Figures (without divisional distribution)

Table 1: Age distribution of survey respondents (%)

Age (Years)	Male	Female	All
Below 25	3.4	9.8	6.5
25-29	13.3	18.8	16.0
30-34	11.7	17.6	14.6
35-39	12.5	19.8	16.1
40-44	12.1	11.3	11.7
45-49	11.8	9.9	10.9
50+	35.3	12.8	24.1
Total	100	100	100
Mean age (in years)	43.7	35.8	39.8
N	712	697	1409

Table 2: Occupational distribution of survey respondents (%)

Occupation	Male	Female	All
Farmer/cultivator	31.9	0.7	16.5
Homemaker (housewife)	-	92.5	45.8
Agriculture laborer	7.9	1.1	4.5
Non-agriculture laborer	4.1	2.3	3.2
Salaried job	6.3	0.6	3.5
Mason	2.4	-	1.2
Carpenter	1.4	-	0.7
Rickshaw/van puller	5.3	0.3	2.8
Fisherman	3.7	-	1.8
Potter	0.4	0.1	0.3
Shopkeeper	3.7	0.3	2.0
Business	25.4	0.4	13.1
Tailor	0.8	0.3	0.6
Driver	1.7	-	0.9
Cottage industry	0.1	0.3	0.2
Village doctor/Quack	0.3	-	0.1
Imam	0.1	-	0.1
Retired service holder	1.1	-	0.6
Student	0.8	0.1	0.5
Unemployed	1.4	-	0.7
Disabled	0.3	-	0.1
Night guard	0.3	0.4	0.4
Work at other's home	-	0.4	0.2
Barber	0.1	-	0.1
Birth attendance	0.1	-	0.1
Incapable	0.1	-	0.1
Coolie	0.1	-	0.1
Total	100	100	100
N	712	697	1409

Table 3: Distribution of respondent households by receipt of social security benefits (%)

Social security benefits	Male	Female	All
VGD/VGF Card holder	2.0	3.9	2.9
Distress women/widow allowance	2.2	2.6	2.4
Old Age allowance	5.1	3.4	4.3
Freedom Fighter allowance	0.3	0.1	0.2
Disability allowance	0.7	0.4	0.6
Integrated Food Security/Gratuitous Relief/Test Relief	3.8	5.0	4.4
Food for Work/Money Assistance receive	-	0.1	0.1
Employment Project of 100 Days	0.1	0.3	0.2
Don't receive any sort of benefit schemes	81.2	79.5	80.3
Scholarship / stipend	3.1	3.9	3.5
Agricultural subsidy	1.5	0.6	1.1
Disabled allowance		0.1	0.1
N	712	697	1409

Table 4: Percentage distribution of the FGD participants according to their education

Highest Level Education	Frequency	%
None	57	44.5
One	3	2.3
Two	11	8.6
Three	7	5.5
Four	9	7.0
Five	16	12.5
Six	2	1.6
Seven	5	3.9
Eight	12	9.4
Nine	3	2.3
Ten	1	0.8
HSC	1	0.8
BA	1	0.8
Total	128	100.0

Table 5: Percentage distribution of the tracer study respondents by their being party in dispute resolved during last 3 years

Whether s/he was party in disputes resolved during last 3 years	Frequency	%
Yes	227	100.0
No	0	0
Total	227	100.0

Table 6: People's perception about village court and its functioning

Issues	% Respondents
Ever heard of village court	67
Village court functions in locating	81
N	1409

Table 7: Distribution of respondents by type of disputes faced during last 3 years (multiple response, %)

Type of disputes faced	Applicable households	All households
Dispute relating to money lending/ interest on loan etc	2.8	0.9
Land /property mortgage	2.8	0.9
Selling/purchasing of land	5.5	1.8
Forged document of land	2.3	0.8
Demarcation of land	8.3	2.8
Land occupation	16.8	5.6
Obstruction in harvesting crop	0.4	0.1
Looting/plundering/ destruction of property	3.0	1.0
Obstruction in shopping/ business	0.2	0.1
Family conflict	27.0	9.0
Fight/quarrel	36.6	12.2
Violence against woman	6.4	2.1
Dowry	4.0	1.3
Physical assault	4.9	1.6
Theft	2.6	0.9
Dacoity /robbery	1.3	0.4
Extortion	0.6	0.2
Eve teasing to female	0.4	0.1
Threat	0.4	0.1
Murder case	1.1	0.4
Political harassment	0.9	0.3
Obstruction in casting vote in election	0.2	0.1
Distribution of property	3.6	1.2
Dispute related to record of land	1.1	0.4
Divorce/marriage without consent of guardians	2.1	0.7
Damaging poultry	0.4	0.1
Cattle trespass	0.2	0.1
Dispute from fishing	0.4	0.1
Not getting electricity connection even after paying money	0.2	0.1
Becoming a witness of others' conflict	0.2	0.1
Eviction from homestead	0.2	0.1
Due to homicide	0.2	0.1
Check dishonor / money cheating	0.4	0.1
Kidnapping	0.2	0.1
N	470	1409

Table 8: Respondents' opinion as to why s/he considers a dispute resolution more effective than the others for seeking justice for **poor/marginalized** (multiple response, %)

Reported reasons for considering a dispute resolution more effective than the others for seeking justice for poor/marginalized	Applicable Respondents	All respondents
<i>Reasons reported by respondents who consider Shalish as the more effective dispute resolution mechanism</i>		
Low cost / Do not need money	75.8	54.4

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Less time-consuming / speedy trail	37.6	27.0
Justice is ensured	23.8	17.1
Judgment is given in presence of many people, so there is less scope of malpractice	8.7	6.2
Involves less harassment	15.9	11.4
Social reputation is not harmed	12.9	9.0
Good relations exist between petitioner and respondent	18.2	13.1
Poor people get justice	14.1	10.1
It involves less punishment	1.2	0.9
It is not needed to go far away for justice	5.5	3.9
Less nepotism	8.7	6.2
Dispute is <i>settled</i> socially	0.8	0.6
N	1011	1409
<i>Reasons reported by respondents who consider Village Court as the more effective dispute resolution mechanism</i>		
It requires less amount of money	69.6	16.6
Less time is required to resolve dispute	39.3	9.4
It does not require bribe	14.6	3.4
It ensures justice	42.3	10.1
Neutrality is ensured / one can speak freely in trial	8.6	2.1
Less harassment/good relations/peace prevails between the two parties or in the area	15.8	3.8
Dispute can be resolved easily	11.9	2.8
Village court is situated nearby home	6.3	1.5
Can submit complain easily	5.1	1.2
Dispute can be resolved within village without going to distant places	8.9	2.1
Decision is implemented	2.1	0.5
Poor people get justice	1.5	0.4
No fear of “ <i>Dalal</i> ” (third party- negotiator)	0.9	0.2
Verdict in the village court follows some rules and regulation	1.8	0.4
Social reputation of the litigants are not harmed	0.3	0.1
N	336	1409
<i>Reasons reported by respondents who consider Higher Court as the more effective dispute resolution mechanism</i>		
It ensures justice	72.6	3.2
Trial is conducted according to the rules and regulations	41.9	1.8
Women get justice	4.8	0.2
Political or party influence is not there	17.7	0.8
Verdict is implemented	12.9	0.6
The case is conducted with some law practitioners	14.5	0.6
Trial is conducted by Judges who are experts in law	4.8	0.2
Neutrality is ensured	9.7	0.4
Justice is not denied	1.6	0.1
Respondent does not choose to approach to the village court	4.8	0.2
Less harassment	4.8	0.2

N	62	1409
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Table 9: Respondents opinion as to which one is more effective dispute resolution for seeking justice for **Women** (%)

Dispute resolution mechanism	Male	Female	All
<i>Shalish</i>	68.8	75.2	72.0
Village Court	22.3	14.3	18.4
Higher Court	8.8	10.5	9.7
Total	100	100	100
N	712	697	1409

Table 10: Respondents' opinion as to why s/he considers a dispute resolution mechanism more effective than the others for seeking justice for **Women** (multiple response, %)

Reported reasons for considering a dispute resolution more effective than the others for seeking justice for women	Applicable respondents	All Respondents
<i>Reasons reported by respondents who consider Shalish as the more effective dispute resolution mechanism</i>		
Less time-consuming	24.9	17.9
It does not require money	50.7	36.5
Dispute can be resolved locally	26.1	18.8
Social reputation of the disputed parties is not harmed	47.4	34.1
Justice is ensured	21.6	15.5
It involves less harassment	13.8	9.9
Elderly people are present during trail so justice is not denied	5.4	3.9
No fear of "Taut"/ "Batpar"	0.7	0.5
Women can give their opinion freely	6.0	4.3
Good relations remain between petitioner and respondent	10.3	7.4
Women issue is considered with sympathy	0.8	0.6
It does not require lawyer and dispute is resolved easily	4.5	3.2
Neutrality can be ensured	2.2	1.6
Trial is conducted in presence of many people so everyone can be informed	2.4	1.8
It is possible to <i>resolve</i> conflict between husband and wife	0.3	0.2
No political influence	0.1	0.1
The money charged as penalty is realized easily	0.2	0.1
Representatives in <i>Shalish</i> can be selected according to choice	0.2	0.1
N	1014	1409
<i>Reasons reported by respondents who consider Village Court as the more effective dispute resolution mechanism</i>		
It does not require money/ less money is required	54.8	10.1
Less time-consuming	37.1	6.8
Social reputation of the litigants are not harmed	17.0	3.4
Justice is ensured	37.8	6.9
No/less harassment	30.9	5.6
Women issue considered with sympathy	3.5	0.6
Good relations prevail between the two parties	10.8	2.0
It is not needed to go far away for justice	6.6	1.2
Everyone can give his/her opinion freely	8.1	1.5
No influence of "taut"/ "batpar"	3.1	0.6

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Reported reasons for considering a dispute resolution more effective than the others for seeking justice for women	Applicable respondents	All Respondents
Dispute is resolved locally	9.6	1.7
The verdict is given according to some rules so justice is not denied	3.9	0.7
Both men and women can easily approach to this court	3.5	0.6
Every one obeys the decision and so the social relations are not violated	0.4	0.1
There is scope for appeal to the higher court	1.5	0.3
N	259	1409
<i>Reasons reported by respondents who consider Higher Court as the more effective dispute resolution mechanism</i>		
Justice is ensured	19.9	1.9
Trial follows the laws of the country	19.9	1.9
Women friendly/ women get justice	58.1	5.6
Case is dealt by lawyer and the justice system is free from influence	16.9	1.6
Proper investigations are done / Judges are honest and neutral	25.7	2.5
Verdict is implemented	5.1	0.5
The money charged in penalty can be collected	2.2	0.2
Every one fears the police/ court and the women are not subject to dishonor	5.9	0.6
Women's allegations are considered	5.9	0.6
N	136	1409

Table 11: Respondents' opinion about the possible barriers in activating the village courts (multiple response, %)

Opinion	All
Lack of awareness of mass people	55.7
Bias/Nepotism/Political influence/Bribe /Misjudgment of VC officials	49.6
Low level of jurisdiction of VC	15.8
Local touts persuade cases to approach to higher courts	17.8
Lack of manpower of VC	11.1
Lack of capacity of VC officials	8.4
Lack of infrastructure and logistics in VC	3.3
Implementation of the verdict is uncertain	11.9
Others	0.7
Do not know	11.6
NA	5.9
N	1409

Table 12: Respondents' opinion about the steps to be taken to make the village court more effective (multiple response, %)

Opinion	All
Ensuring awareness of people	54.9
Ensuring fair Justice	62.2
Power of VC should be increased	26.0
Training and confidence building of the VC chairman and other member of UP	15.0
Regular staff should be recruited for managing the departmental activities of the VC	7.5
Ensuring infrastructure and logistics of VC	5.3
VC activities should be monitored properly	17.2
Ensure speedy trial	0.5
Bribery / corruption should to be removed	0.3
Ensure proper functioning of the VC	1.3
Ensure neutrality of the VC	0.3
Increased publicity and advertisement	0.4
Others	0.4
Don't know/no response	14.3
N	1409

Table 13: Respondents' opinion about the possible roles of different stakeholders in activating the village court (multiple response, %)

Stakeholder/Opinion	All
<i>UP Chairman/Member</i>	
To aware people about VC	54.5
Ensure justice	61.2
Speedy resolution	15.8
Others	1.2
Don't know/no response	13.2
N	1409
<i>TV/Newspaper/Radio</i>	
Increased publicity on VC	67.5
To show drama/serial	25.9
Others	0.4
Don't know/no response	7.4
N	1409
<i>CBO/NGO/Social Organization</i>	
Publishing poster/leaflet	19.0
Organizing <i>Uthan baithak</i> /tea stall session	42.0
Organizing street drama	5.0
Others	1.8
Don't know/no response	43.3
N	1409
<i>Political Leader/Elite person</i>	
Ensuring dispute resolution in VC	40.7
To identify and punish those who act in the way of dispute resolution	26.4

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Stakeholder/Opinion	All
To cooperate the process of justice	38.4
To suggest other people to go to VC	14.0
Others	0.4
Don't know/no response	25.0
N	1409
<i>Advocate/Lawyer</i>	
To give suggestion about the possible litigations to be resolved by VC	50.4
Others	2.0
Don't know/no response	48.8
N	1409
<i>Higher Court/ Police</i>	
Higher court should send the minor litigations to the village court	39.0
Police/ <i>Thana</i> should send the minor litigations to the village court	28.7
Others	1.0
Do not know/no response	47.9
N	1409
<i>Others (UNO, Court, DC, LGED Ministry (Specify).....</i>	
Supervise and monitor the activities of the village court	36.4
To ensure justice/ to protect the VC from biasness and nepotism	5.7
To train up/brief UP-Chairmen and members	5.1
To take action against the panel members who misjudge	3.7
UNO should make village people aware about VC through public meeting or arranging public campaigns, etc	2.8
To cooperate the VC process and give necessary suggestions to the VC members and officials for further improvement of the justice system	2.6
To give legal and administrative support	0.7
To take initiative wherever necessary to activate VC	0.3
To select fit person as panel judge	1.6
Others	0.4
Do not know / no response	51.8
To investigate and protect bribery and corruption	1.0
N	1409

Figure 1: Percentage distribution of respondents according to landholding category

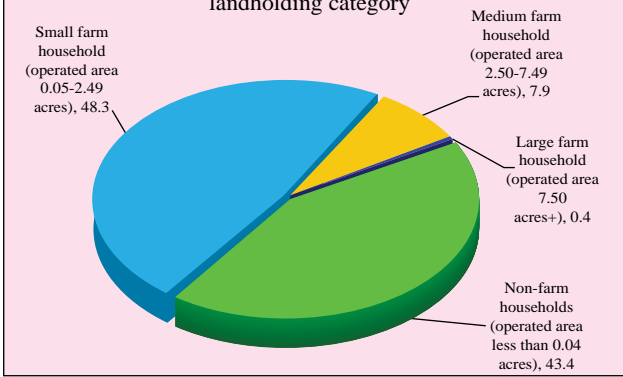


Figure 2: Mean amount of land owned by respondent households (in decimal)

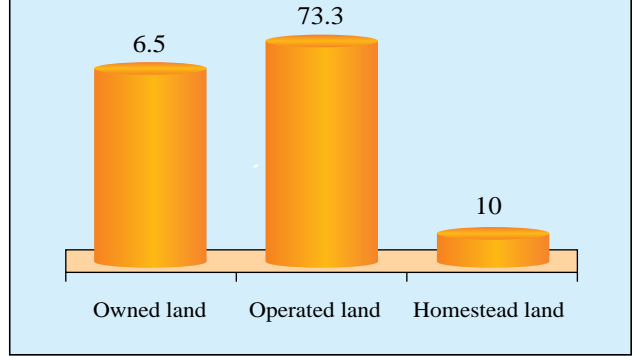


Figure 3: Percentage distribution of respondents according to their household food security status

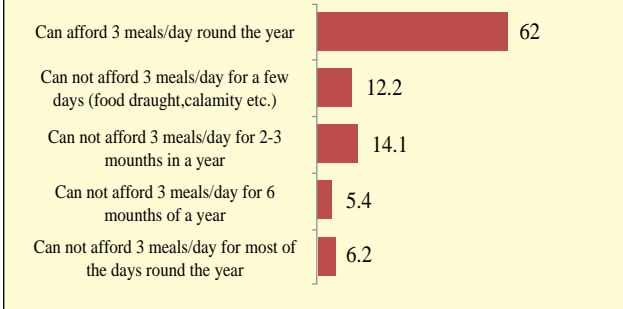


Figure 4: Percentage distribution of the FGD participants according to their attending in the village court

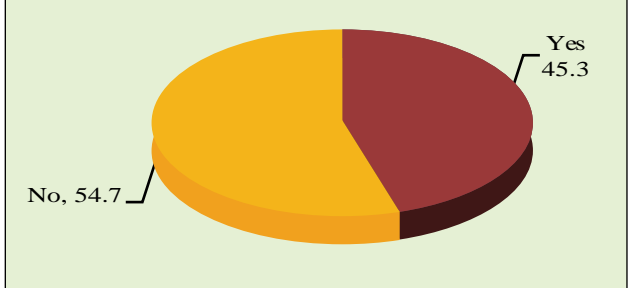


Figure 5: Percentage distribution of the FGD participants according to their occupation

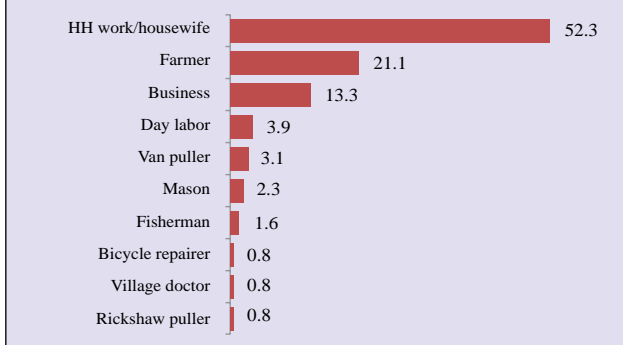


Figure 6: Percentage distribution of the KII respondents according to their Age

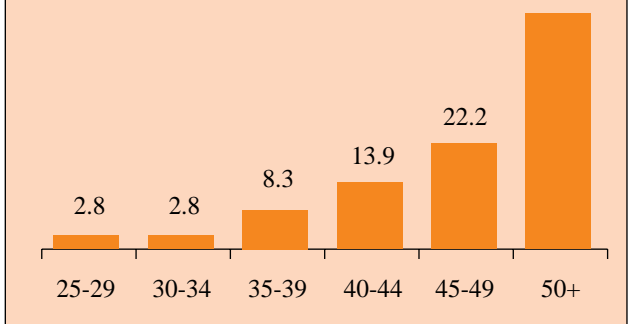


Figure 7: Percentage distribution of the KII respondents according to their sex

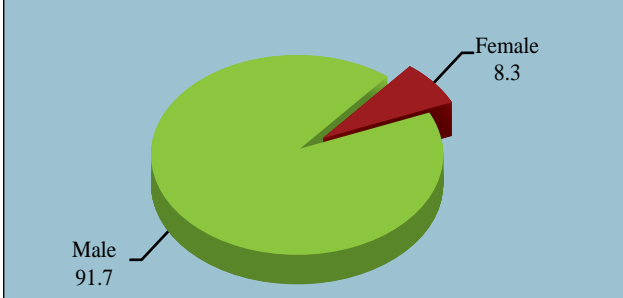
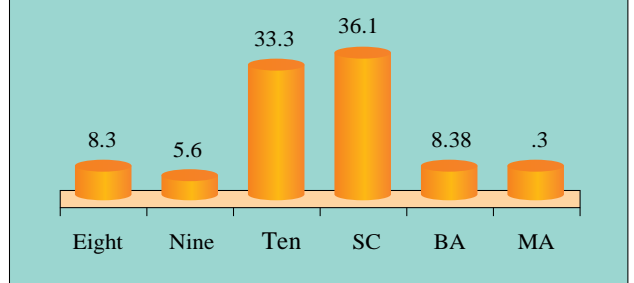


Figure 8: Percentage distribution of the KII respondents according to their education



Annex C2: Primary Tables by Divisions

Table 1: Age distribution of respondents (%)

Age (yrs)	Barisal			Chittagong			Dhaka			Khulna			Rajshahi			Sylhet			All		
	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All
Below 25	2.7	8.9	5.8	7.7	9.1	8.4	3.1	8.5	5.8	1.1	10.1	5.3	3.2	13.3	8.1	4.0	8.8	6.4	3.4	9.8	6.5
25-29	10.0	17.3	13.7	16.7	27.3	21.9	10.3	17.0	13.6	15.6	19.0	17.2	15.1	20.8	17.9	17.0	14.7	15.8	13.3	18.8	16.0
30-34	13.1	20.4	16.8	12.8	19.5	16.1	10.3	14.9	12.6	10.0	21.5	15.4	12.7	13.3	13.0	9.0	14.7	11.9	11.7	17.6	14.6
35-39	10.9	25.8	18.4	7.7	13.0	10.3	11.3	19.1	15.2	13.3	17.7	15.4	15.9	14.2	15.0	16.0	20.6	18.3	12.5	19.8	16.1
40-44	11.8	11.6	11.7	7.7	5.2	6.5	16.5	17.0	16.8	12.2	10.1	11.2	12.7	12.5	12.6	11.0	9.8	10.4	12.1	11.3	11.7
45-49	15.8	7.6	11.7	16.7	11.7	14.2	7.2	16.0	11.5	11.1	6.3	8.9	11.1	10.8	11.0	5.0	9.8	7.4	11.8	9.9	10.9
50+	35.7	8.4	22.0	30.8	14.3	22.6	41.2	7.4	24.6	36.7	15.2	26.6	29.4	15.0	22.4	38.0	21.6	29.7	35.3	12.8	24.1
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Mean age (in years)	44.2	35.0	39.6	41.7	34.4	38.1	45.4	36.2	40.9	44.5	36.2	40.6	41.9	35.5	38.8	43.8	38.5	41.1	43.7	35.8	39.8
N	221	225	446	78	77	155	97	94	191	90	79	169	126	120	246	100	102	202	712	697	1409

Table 2: Sex distribution of respondents

Sex	Barisal	Chittagong	Dhaka	Khulna	Rajshahi	Sylhet	All
Male	49.6	50.3	50.8	53.3	51.2	49.5	50.5
Female	50.4	49.7	49.2	46.7	48.8	50.5	49.5
N	446	155	191	169	246	202	1409

Table 3: Occupational distribution of respondents (%)

Occupation	Barisal			Chittagong			Dhaka			Khulna			Rajshahi			Sylhet			All		
	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All
Farmer/cultivator	29.9	0.9	15.2	10.3		5.2	37.1		18.8	51.1		27.2	34.9	2.5	19.1	27.0		13.4	31.9	0.7	16.5
Homemaker (housewife)		94.7	47.8		89.6	44.5		93.6	46.1		94.9	44.4		84.2	41.1		97.1	49.0		92.5	45.8
Agri-laborer	10.0	0.4	5.2	1.3	1.3	1.3	8.2		4.2	6.7		3.6	11.1	4.2	7.7	5.0	1.0	3.0	7.9	1.1	4.5
Non-agri-laborer	5.9	0.9	3.4	1.3	5.2	3.2	2.1	3.2	2.6	3.3	1.3	2.4	4.8	5.0	4.9	4.0		2.0	4.1	2.3	3.2
Salaried job	7.2	0.4	3.8	7.7	1.3	4.5	11.3	1.1	6.3	7.8		4.1	1.6		0.8	3.0	1.0	2.0	6.3	0.6	3.5
Mason	2.3		1.1	3.8		1.9	1.0		0.5	2.2		1.2	2.4		1.2	3.0		1.5	2.4		1.2
Carpenter	1.4		0.7				2.1		1.0	1.1		0.6	1.6		0.8	2.0		1.0	1.4		0.7
Rickshaw/ van puller	8.1	0.4	4.3	2.6		1.3	2.1		1.0	2.2		1.2	9.5	0.8	5.3	2.0		1.0	5.3	0.3	2.8
Fisherman	1.8		0.9	9.0		4.5	1.0		0.5				8.7		4.5	3.0		1.5	3.7		1.8
Potter							3.1	1.1	2.1										0.4	0.1	0.3
Shopkeeper	2.7		1.3	3.8	1.3	2.6	1.0		0.5	3.3		1.8	2.4	0.8	1.6	10.0		5.0	3.7	0.3	2.0
Business	25.3	0.4	12.8	51.3		25.8	17.5		8.9	15.6	1.3	8.9	19.0		9.8	30.0	1.0	15.3	25.4	0.4	13.1
Tailor	0.9	0.4	0.7				2.1		1.0	1.1		0.6	0.8	0.8	0.8				0.8	0.3	0.6
Driver	1.4		0.7				4.1		2.1	1.1		0.6	0.8		0.4	3.0		1.5	1.7		0.9
Cottage Industry	0.5	0.9	0.7																0.1	0.3	0.2
Village doctor/ Quack				2.6		1.3													0.3		0.1
Imam										1.1		0.6							0.1		0.1
Retired service holder	0.5		0.2	2.6		1.3	4.1		2.1							1.0		0.5	1.1		0.6
Student				1.3		0.6	2.1	1.1	1.6	1.1		0.6	0.8		0.4	1.0		0.5	0.8	0.1	0.5
Unemployed	0.9		0.4	2.6		1.3										6.0		3.0	1.4		0.7
Disabled	0.5		0.2										0.8		0.4				0.3		0.1
Night Guard					1.3	0.6				2.2	2.5	2.4							0.3	0.4	0.4
Work at other's home		0.4	0.2											1.7	0.8				0.4		0.2
Barber	0.5		0.2																0.1		0.1

Occupation	Barisal			Chittagong			Dhaka			Khulna			Rajshahi			Sylhet			All		
	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All
Birth attendance													0.8		0.4				0.1		0.1
Incapable							1.0		0.5										0.1		0.1
Coolie	0.5		0.2						100										0.1		0.1
Total	100	100	100	100	100	100	100	100	18.8	100	100	100	100	100	100	100	100	100	100	100	100
N	221	225	446	78	77	155	97	94	191	90	79	169	126	120	246	100	102	202	712	697	1409

Table 4: Socio-economic status of respondents (%)

Socio-economic status	Barisal			Chittagong			Dhaka			Khulna			Rajshahi			Sylhet			All		
	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All
General village people	95.5	100.0	97.8	78.2	100.0	89.0	91.8	98.9	95.3	82.2	98.7	89.9	95.2	100.0	97.6	85.0	99.0	92.1	89.9	99.6	94.7
Local village leader (Matbar)	4.5		2.2	21.8		11.0	7.2		3.7	16.7	1.3	9.5	4.8		2.4	15.0		7.4	9.8	0.1	5.0
Union Parishad member										1.1		0.6							0.1		0.1
President of School Governing Body																	1.0	0.5		0.1	0.1
Gram (Village) Police								1.1	0.5											0.1	0.1
Police							1.0		0.5										0.1		0.1
Total	100	100	100	100	100		100	100	100	100	100	100	100	100		100	100	100	100	100	100
N	221	225	446	78	77	155	97	94	191	90	79	169	126	120	246	100	102	202	712	697	1409

Table 5: Mean amount of land owned by respondent households (in decimal)

Indicators	Barisal			Chittagong			Dhaka			Khulna			Rajshahi			Sylhet			All		
	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All
Total owned land	66.7	46.6	56.6	133.2	58.3	96.0	67.0	31.2	49.4	120.1	52.5	88.5	63.9	16.2	40.6	96.6	71.9	84.1	84.5	45.0	65.0
Total operated land (1-2+3)	85.0	54.7	69.7	150.1	55.2	103.0	78.2	30.5	54.7	126.4	71.5	100.7	72.2	26.8	50.1	89.9	73.3	81.5	94.8	51.3	73.3
Homestead land	11.5	11.1	11.3	18.8	10.9	14.9	11.0	8.4	9.7	9.5	7.8	8.7	6.4	6.1	6.3	7.7	11.4	9.6	10.5	9.5	10
N	221	225	446	78	77	155	97	94	191	90	79	169	126	120	246	100	102	202	712	697	1409

Table 6: Distribution of respondents by landholding category (%)

Landholding category	Barisal			Chittagong			Dhaka			Khulna			Rajshahi			Sylhet			All		
	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All
Non-farm households (operated area less than 0.04 acres)	38.0	45.8	41.9	33.3	51.9	42.6	44.3	64.9	54.5	23.3	43.0	32.5	38.9	54.2	32.5	41.0	44.1	46.3	37.1	49.9	43.4
Small farm household (operated area 0.05-2.49 acres)	52.9	47.1	50.0	52.6	45.5	49.0	47.4	31.9	39.8	58.9	50.6	55.0	53.2	45.8	55.0	46.0	44.1	49.6	52.0	44.6	48.3
Medium farm household (operated area 2.50-7.49 acres)	8.1	7.1	7.6	11.5	2.6	7.1	7.2	3.2	5.2	17.8	6.3	12.4	7.9		12.4	13.0	11.8	4.1	10.3	5.5	7.9
Large farm household (operated area 7.50 acres+)	0.9		0.4	2.6		1.3	1.0		0.5										0.7		0.4
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100.0	100	100	100.0	100	100	100
N	221	225	446	78	77	155	97	94	191	90	79	169	126	120	246	100	102	202	712	697	1409

Table 7: Distribution of respondents by household food security status (%)

Food security Status	Barisal			Chittagong			Dhaka			Khulna			Rajshahi			Sylhet			All		
	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All
Cannot afford 3 meals/day for most of the days round the year	4.1	8.0	6.1	2.6	3.9	3.2	4.1	5.3	4.7		12.7	5.9	6.3	10.8	8.5	14.0	4.1	7.9	5.2	7.3	6.2
Cannot afford 3 meals/day for 6 months of a year	3.6	4.9	4.3				3.1	7.4	5.2	7.8	12.7	10.1	7.1	13.3	10.2	4.0	3.6	2.5	4.4	6.5	5.4
Cannot afford 3 meals/day for 2-3 months in a year	10.4	15.6	13.0	5.1	10.4	7.7	7.2	11.7	9.4	14.4	19.0	16.6	20.6	33.3	26.8	14.0	10.4	8.4	12.2	16.1	14.1
Cannot afford 3 meals/day for a few days (food draught, calamity etc)	15.4	11.1	13.2	6.4	19.5	12.9	8.2	5.3	6.8	3.3		1.8	23.8	18.3	21.1	17.0	15.4	12.4	13.6	10.8	12.2
Can afford 3 meals/day round the year	66.5	60.4	63.5	85.9	66.2	76.1	77.3	70.2	73.8	74.4	55.7	65.7	42.1	24.2	33.3	51.0	66.5	68.8	64.6	59.4	62.0
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
N	221	225	446	78	77	155	97	94	191	90	79	169	126	120	246	100	102	202	712	697	1409

Table 8: Distribution of respondent households by receipt of social security benefits (%)

Social security benefits	Barisal			Chittagong			Dhaka			Khulna			Rajshahi			Sylhet			All		
	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All
VGD/VGF Card holder	3.2	4.4	3.8	1.3		0.6		2.1	1.0	1.1	2.5	1.8	4.0	7.5	5.7		3.9	2.0	2.0	3.9	2.9
Distress women/widow allowance	2.3	4.4	3.4		2.6	1.3	3.1		1.6	1.1	2.5	1.8	4.8	3.3	4.1	1.0	-	0.5	2.2	2.6	2.4
Old Age allowance	6.3	2.7	4.5	3.8	1.3	2.6	5.2	6.4	5.8	1.1	2.5	1.8	3.2	7.5	5.3	9.0	-	4.5	5.1	3.4	4.3
Freedom Fighter allowance	0.5		0.2	-	-	-	-	1.1	0.5	-	-	-	-	-	-	1.0	-	0.5	0.3	0.1	0.2
Disability allowance	-	-	-	1.3	1.3	1.3		1.1	0.1	1.1		0.6	0.8	0.8	0.8	2.0	-	1.0	0.7	0.4	0.6
Integrated Food Security (IFS) / Gratuitous Relief (GR)/Test	0.9		0.4	-	-	-	-	-	-	3.3	7.6	5.3	15.9	24.2	19.9	2.0	-	1.0	3.8	5.0	4.4
Food for Work/ Money Assistance receive	-	-	-	-	-	-	-	-	-	-	-	-	-	0.8	0.4	-	-	-	-	0.1	0.1
Employment Project of 100 Days	-	-	-	-	-	-	-	1.1	0.5	-	-	-	0.8	0.8	0.8	-	-	-	0.1	0.3	0.2
Don't receive any sort of benefit schemes	76.9	78.2	77.6	93.6	94.8	94.2	91.8	88.3	90.1	80.0	78.5	79.3	70.6	54.2	62.6	85.0	93.1	89.1	81.2	79.5	80.3
Scholarship / stipend	10.0	10.2	10.1	-	-	-	-	-	-	-	-	-	-	0.8	-	-	2.9	1.5	3.1	3.9	3.5
Agricultural subsidy	-	-	-	-	-	-	-	-	-	12.2	5.1	8.9	-	-	-	-	-	-	1.5	0.6	1.1
Disabled allowance	-	-	-	-	-	-	-	-	-	-	1.3	0.6	-	-	-	-	-	-	-	0.1	0.1
N	221	225	446	78	77	155	97	94	191	90	79	169	126	120	246	100	102	202	712	697	1409

Table 9: Distribution of respondents by exposure in civil dispute/criminal offences during last 3 years (%)

Civil dispute criminal offences	Barisal			Chittagong			Dhaka			Khulna			Rajshahi			Sylhet			All		
	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All
Faced any sort of dispute during last 3 years	25.3	20.0	22.6	34.6	57.1	45.8	56.7	72.3	64.4	15.6	13.9	14.8	40.5	44.2	42.3	29.0	16.7	22.8	32.6	34.1	33.4
Did not faced any sort of dispute during last 3 years	74.7	80.0	77.4	65.4	42.9	54.2	43.3	27.7	35.6	84.4	86.1	85.2	59.5	55.8	57.7	71.0	83.3	77.2	67.4	65.9	66.6
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
N	221	225	446	78	77	155	97	94	191	90	79	169	126	120	246	100	102	202	712	697	1409

Table 10: Distribution of respondents by type of disputes faced during last 3 years (%)

Type of disputes	Barisal			Chittagong			Dhaka			Khulna			Rajshahi			Sylhet			All			
	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	
Dispute relating to money lending/ interest on loan etc	3.6	2.2	3.0		2.3	1.4	1.8	1.5	1.6	14.3		8.0	3.9		1.9	6.9	5.9	6.5	3.9	1.7	2.8	
Land /property mortgage	5.4		3.0		2.3	1.4	3.6		1.6		9.1	4.0	2.0	3.8	2.9	3.4	11.8	6.5	3.0	2.5	2.8	
Selling/purchasing of land	8.9	6.7	7.9	7.4	6.8	7.0	1.8	2.9	2.4	7.1		4.0	5.9	5.7	5.8	10.3		6.5	6.5	4.6	5.5	
Forged document of land	1.8	2.2	2.0	7.4		2.8	5.5	1.5	3.3					1.9	1.0	3.4	5.9	4.3	3.0	1.7	2.3	
Demarcation of land	8.9	8.9	8.9	14.8	9.1	11.3	1.8	2.9	2.4	14.3	9.1	12.0	11.8	5.7	8.7	20.7	5.9	15.2	10.3	6.3	8.3	
Land occupation	26.8	15.6	21.8	33.3	22.7	26.8	20.0	11.8	15.4	21.4		12.0	5.9	5.7	5.8	20.7	23.5	21.7	20.3	13.4	16.8	
Obstruction in harvesting crop											9.1	4.0		1.9	1.0						0.8	0.4
Looting/plundering/ destruction of property		2.2	1.0	7.4	2.3	4.2	3.6	5.9	4.9				2.0		1.0	6.9	5.9	6.5	3.0	2.9	3.0	
Obstruction in shopping/ business		2.2	1.0																		0.4	0.2
Family conflict	10.7	22.2	15.8	11.1	38.6	28.2	25.5	42.6	35.0	14.3	9.1	12.0	35.3	45.3	40.4	6.9	5.9	6.5	19.4	34.5	27.0	
Fight/quarrel	19.6	31.1	24.8	11.1	15.9	14.1	45.5	67.6	57.7	21.4	27.3	24.0	39.2	45.3	42.3	37.9	29.4	34.8	31.5	41.6	36.6	
Violence against woman	8.9	4.4	6.9	3.7	15.9	11.3	1.8	2.9	2.4	7.1	9.1	8.0	3.9	11.3	7.7	6.9		4.3	5.2	7.6	6.4	
Dowry	1.8	4.4	3.0		4.5	2.8		1.5	0.8	7.1	9.1	8.0	7.8	11.3	9.6		5.9	2.2	2.6	5.5	4.0	
Physical assault	3.6		2.0	3.7	13.6	9.9	10.9	5.9	8.1				2.0	1.9	1.9	6.9		4.3	5.2	4.6	4.9	
Theft	5.4	2.2	4.0				1.8	2.9	2.4	7.1	9.1	8.0	3.9		1.9		5.9	2.2	3.0	2.1	2.6	
Dacoity /robbery	1.8		1.0	3.7	2.3	2.8					9.1	4.0	2.0		1.0		5.9	2.2	1.3	1.3	1.3	
Extortion								1.5	0.8							6.9		4.3	0.9	0.4	0.6	
Eve teasing to female					2.3	1.4								1.9	1.0						0.8	0.4
Threat								1.5	0.8								5.9	2.2		0.8	0.4	
Murder case	3.6		2.0	3.7		1.4	1.8		0.8							3.4		2.2	2.2		1.1	
Political harassment	1.8	2.2	2.0					1.5	0.8							3.4		2.2	0.9	0.8	0.9	
Obstruction in casting vote in election																	5.9	2.2		0.4	0.2	
Distribution of property	1.8	8.9	5.0		13.6	8.5	3.6	1.5	2.4							6.9	5.9	6.5	2.2	5.0	3.6	

Review of Social Barriers and Limitations of Village Courts

Type of disputes	Barisal			Chittagong			Dhaka			Khulna			Rajshahi			Sylhet			All			
	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	
Dispute related to record of land	1.8		1.0	7.4	2.3	4.2										3.4		2.2	1.7	0.4	1.1	
Divorce/marriage without guardians	7.1	2.2	5.0				3.6	1.5	2.4	7.1		4.0				3.4		2.2	3.4	0.8	2.1	
Due to wasting of poultry and duck								1.5	0.8				2.0		1.0					0.4	0.4	0.4
Due to intake crops by cows and goats													2.0		1.0					0.4		0.2
Conflict due to fishing				3.7		1.4								1.9	1.0					0.4	0.4	0.4
Due to complaining at village court for not getting electri	1.8		1.0																	0.4		0.2
Due to becoming a witness of others conflict		2.2	1.0																		0.4	0.2
Due to eviction from homestead							1.8		0.8											0.4		0.2
Due to homicide											9.1	4.0									0.4	0.2
Due to check dishonor / money cheating		4.4	2.0																		0.8	0.4
Due to kidnaping				3.7		1.4															0.4	0.2
N	56	45	101	27	44	71	55	68	123	14	11	25	51	53	104	29	17	46	232	238	470	

Table 13: Distribution of respondents by steps taken to *settle* dispute (%)

Steps take	Barisal			Chittagong			Dhaka			Khulna			Rajshahi			Sylhet			All		
	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All
Sought <i>Shalish</i> / Arbitration	32.1	40.0	35.6	7.4	18.2	14.1	36.4	27.9	31.7	57.1	63.6	60.0	45.1	54.7	50.0	58.6	23.5	45.7	37.9	35.7	36.8
Applied to UP Chairman for Village Court	14.3	11.1	12.9	48.1	63.6	57.7	10.9	5.9	8.1		18.2	8.0	5.9	3.8	4.8	24.1	23.5	23.9	15.9	18.9	17.4
Went to Higher Courts	17.9	20.0	18.8	25.9	4.5	12.7	7.3	2.9	4.9	14.3	9.1	12.0	19.6	3.8	11.5	13.8	5.9	10.9	15.9	7.1	11.5
Went to PS	10.7	6.7	8.9	7.4	2.3	4.2	1.8		0.8	14.3	9.1	12.0	13.7	7.5	10.6		11.8	4.3	7.8	4.6	6.2
Did not take any step	21.4	17.8	19.8	11.1	11.4	11.3	41.8	63.2	53.7				13.7	28.3	21.2		11.8	4.3	19.4	30.7	25.1
NA	3.6	4.4	4.0				1.8		0.8	14.3		8.0	2.0	1.9	1.9	3.4	23.5	10.9	3.0	2.9	3.0
N	56	45	101	27	44	71	55	68	123	14	11	25	51	53	104	29	17	46	232	238	470

Table 14: Distribution of respondents by their knowledge of village court (%)

	Barisal			Chittagong			Dhaka			Khulna			Rajshahi			Sylhet			All		
	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All
Yes	71.5	59.1	65.2	96.2	88.3	92.3	70.1	69.1	69.6	62.2	36.7	50.3	64.3	47.5	56.1	95.0	57.8	76.2	74.9	59.0	67.0
No	28.5	40.9	34.8	3.8	11.7	7.7	29.9	30.9	30.4	37.8	63.3	49.7	35.7	52.5	43.9	5.0	42.2	23.8	25.1	41.0	33.0
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
N	221	225	446	78	77	155	97	94	191	90	79	169	126	120	246	100	102	202	712	697	1409

Table 15: Distribution of respondents by their knowledge about the members of village courts (%)

Whether know	Barisal			Chittagong			Dhaka			Khulna			Rajshahi			Sylhet			All		
	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All
UP Chairman	21.7	13.3	17.5	33.3	18.2	25.8	30.9	20.2	25.7	42.2	17.7	30.8	36.5	31.7	34.1	59.0	10.8	34.7	34.7	18.1	26.5
UP Member	57.0	46.2	51.6	43.6	57.1	50.3	45.4	58.5	51.8	28.9	16.5	23.1	35.7	29.2	32.5	32.0	39.2	35.6	43.1	41.8	42.4
Chairman-Member	5.0	2.2	3.6	11.5	6.5	9.0	15.5	7.4	11.5	14.4	5.1	10.1	7.9	5.0	6.5	4.0	1.0	2.5	8.7	4.0	6.4
5 members including the Chairman and 2 Members and 2 representatives	2.7	0.9	1.8				8.2	2.1	5.2	1.1		0.6	0.8		0.4	8.0	1.0	4.5	3.4	0.7	2.1
Don't know	13.6	37.4	25.5	11.6	18.2	14.9	0	11.8	5.8	13.4	60.7	35.4	19.1	34.1	26.5	-3	48	22.7	10.1	35.4	22.6
N	158	133	291	75	68	143	68	65	133	56	29	85	81	57	138	95	59	154	533	411	944

Table 16: Distribution of respondents by their reporting about the sources of knowledge about village court (%)

Source of knowledge	Barisal			Chittagong			Dhaka			Khulna			Rajshahi			Sylhet			All		
	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All
UP Chairman/Member	4.1	5.3	4.7				1.0	1.1	1.0	8.9	8.9	8.9	8.7	5.8	7.3	12.0	18.6	15.3	5.8	6.6	6.2
Friends/Neighbours/Relatives	1.4	1.8	1.6		1.3	0.6		1.1	0.5	3.3		1.8				4.0	1.0	2.5	1.4	1.0	1.2
UP Employer (Secretary/VDP)	21.3	27.1	24.2	53.8	59.7	56.8	10.3	10.6	10.5	27.8	10.1	19.5	42.1	40.0	41.1	40.0	11.8	25.7	30.5	26.5	28.5
TV/Newspaper/Radio	40.7	21.8	31.2	41.0	23.4	32.3	45.4	41.5	43.5	13.3	8.9	11.2	10.3	1.7	6.1	9.0	2.9	5.9	28.1	16.9	22.6
CBO/NGO/Social Organization	1.8	2.7	2.2	1.3	3.9	2.6	12.4	12.8	12.6	8.9	7.6	8.3	3.2		1.6	29.0	21.6	25.2	8.1	7.0	7.6
General people of the village	0.9	0.4	0.7																0.3	0.1	0.2
NA	29.9	40.9	35.4	3.8	11.7	7.7	30.9	33.0	31.9	37.8	64.6	50.3	35.7	52.5	43.9	6.0	44.1	25.2	25.8	41.8	33.7
N	221	225	446	78	77	155	97	94	191	90	79	169	126	120	246	100	102	202	712	697	1409

Table 17: Distribution of respondents by their knowledge about the valuation of disputed property to be resolved in VC (%)

Indicators	Barisal			Chittagong			Dhaka			Khulna			Rajshahi			Sylhet			All		
	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All
Whether knows about the valuation																					
Yes	14.0	3.6	8.7	41.0	18.2	29.7	21.6	20.2	20.9	25.6	7.6	17.2	30.2	11.7	21.1	36.0	6.9	21.3	25.4	9.8	17.7
No	57.5	55.6	56.5	55.1	70.1	62.6	48.5	48.9	48.7	36.7	29.1	33.1	34.1	35.8	35.0	59.0	51.0	55.0	49.4	49.2	49.3
NA	28.5	40.9	34.8	3.8	11.7	7.7	29.9	30.9	30.4	37.8	63.3	49.7	35.7	52.5	43.9	5.0	42.2	23.8	25.1	41.0	33.0
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
N	221	225	446	78	77	155	97	94	191	90	79	169	126	120	246	100	102	202	712	697	1409
Amount Reported (in Tk.)																					
500													0.8		0.4		1.0	0.5	0.1	0.1	0.1
600					1.3	0.6														0.1	0.1
1000	1.8		0.9																0.6		0.3
2000	0.9		0.4																0.3		0.1
2500										1.3	0.6	1.6		0.8	1.0		0.5	0.4	0.1	0.1	0.3
3000	0.5	0.4	0.4		1.3	0.6									1.0		0.5	0.3	0.3	0.3	0.3

Review of Social Barriers and Limitations of Village Courts

Indicators	Barisal			Chittagong			Dhaka			Khulna			Rajshahi			Sylhet			All		
	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All
4000	0.5		0.2																0.1		0.1
4800				1.3		0.6													0.1		0.1
5000	2.7	1.3	2.0	17.9	1.3	9.7	3.1	1.1	2.1	1.1		0.6	2.4		1.2	11.0		5.4	5.3	0.7	3.1
6000										1.1		0.6	0.8		0.4	1.0		0.5	0.4		0.2
7000															1.0		0.5	0.1			0.1
9000										2.2		1.2						0.3			0.1
10000	1.8		0.9	3.8	2.6	3.2	4.1	8.5	6.3	3.3	2.5	3.0	4.0	1.7	2.8	3.0	2.0	2.5	3.1	2.3	2.7
12000		0.4	0.2		2.6	1.3													0.4		0.2
14000					1.3	0.6													0.1		0.1
15000		0.4	0.2										6.3	2.5	4.5	1.0		0.5	1.3	0.6	0.9
20000	0.9		0.4	3.8	2.6	3.2	5.2	6.4	5.8	5.6	2.5	4.1	2.4	3.3	2.8	6.0	1.0	3.5	3.4	2.2	2.8
25000	4.5	0.9	2.7	11.5	5.2	8.4	6.2	2.1	4.2	11.1	1.3	6.5	5.6		2.8	3.0	2.0	2.5	6.3	1.6	4.0
30000							1.0	1.1	1.0	1.1		0.6	3.2	2.5	2.8	3.0		1.5	1.3	0.6	0.9
40000				1.3		0.6							1.6	0.8	1.2	1.0		0.5	0.6	0.1	0.4
45000													0.8		0.4				0.1		0.1
50000	0.5		0.2	1.3		0.6	1.0		0.5					0.8	0.4	4.0		2.0	1.0	0.1	0.6
80000													0.8		0.4		1.0	0.5	0.1	0.1	0.1
100000								1.1	0.5										0.1		0.1
150000							1.0		0.5										0.1		0.1
NA	86.0	96.4	91.3	59.0	81.8	70.3	78.4	79.8	79.1	74.4	92.4	82.8	69.8	88.3	78.9	64.0	93.1	78.7	74.6	90.2	82.3
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
N	221	225	446	78	77	155	97	94	191	90	79	169	126	120	246	100	102	202	712	697	1409

Table 18: Distribution of respondents by their knowledge about diffe rent disputes to be resolved in Village Court (%)

Knowledge about different disputes	Barisal			Chittagong			Dhaka			Khulna			Rajshahi			Sylhet			All		
	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All
voluntarily (without provocation) hurts another person	29.4	23.6	26.5	35.9	18.2	27.1	47.4	33.0	40.3	20.0	11.4	16.0	27.8	24.2	26.0	34.0	21.6	27.7	31.7	22.7	27.3
If anyone commits mischief of another person	15.8	10.2	13.0	67.9	64.9	66.5	19.6	10.6	15.2	36.7	17.7	27.8	31.0	23.3	27.2	60.0	15.7	37.6	33.6	20.2	27.0
Dispute due to criminal trespass	4.5	3.6	4.0	50.0	11.7	31.0	4.1	1.1	2.6	1.1		0.6	7.1	4.2	5.7	1.0	2.9	2.0	9.0	3.7	6.4
If anyone joins in an unlawful assembly		2.7	1.3		1.3	0.6	1.0	1.1	1.0	2.2		1.2	0.8		0.4	1.0		0.5	0.7	1.1	0.9
If anyone commits riot	17.2	15.6	16.4	42.3	46.8	44.5	18.6	30.9	24.6	12.2	7.6	10.1	38.1	32.5	35.4	55.0	40.2	47.5	28.5	26.7	27.6
If anyone commits affray	45.2	33.3	39.2	78.2	70.1	74.2	48.5	48.9	48.7	51.1	34.2	43.2	38.9	30.8	35.0	50.0	51.0	50.5	49.6	41.8	45.7
If anyone conducts wrongful restraint	5.9	8.4	7.2	11.5	19.5	15.5	6.2	9.6	7.9		10.1	4.7	6.3	7.5	6.9	3.0		1.5	5.5	8.6	7.0
If anyone confines another person wrongfully	4.1	2.7	3.4	7.7	11.7	9.7	5.2	3.2	4.2				3.2	1.7	2.4				3.4	2.9	3.1
If anyone insults another person with intention to provoke b	2.3	2.2	2.2	1.3		0.6		2.1	1.0	1.1	1.3	1.2				1.0	2.0	1.5	1.1	1.4	1.3

Review of Social Barriers and Limitations of Village Courts

Knowledge about different disputes	Barisal			Chittagong			Dhaka			Khulna			Rajshahi			Sylhet			All		
	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All
If anyone conducts criminal intimidation	2.7	1.3	2.0	32.1	13.0	22.6	7.2	3.2	5.2	3.3		1.8	10.3	5.0	7.7	4.0	2.9	3.5	8.1	3.6	5.9
If anyone induces another person to believe that he will be	0.9	1.8	1.3	3.8		1.9	1.0		0.5					0.8	0.4				0.8	0.7	0.8
If anyone puts word or express gesture or commits act inten	25.8	21.3	23.5	50.0	33.8	41.9	15.5	14.9	15.2	12.2	8.9	10.7	27.0	20.8	24.0	20.0	12.7	16.3	24.7	19.1	21.9
Misconduct in public by a drunken person	0.9	0.4	0.7	1.3	3.9	2.6													0.4	0.6	0.5
Conduct of theft	22.6	22.2	22.4	37.2	32.5	34.8	37.1	18.1	27.7	21.1	10.1	16.0	49.2	31.7	40.7	24.0	16.7	20.3	30.9	22.2	26.6
Dishonest misappropriation of property	19.9	13.3	16.6	24.4	35.1	29.7	19.6	13.8	16.8	4.4	1.3	3.0	1.6	2.5	2.0	4.0	2.9	3.5	12.9	11.0	12.0
Criminal breach of trust	1.8	1.3	1.6	3.8	1.3	2.6	2.1		1.0	2.2	1.3	1.8	0.8		0.4	3.0		1.5	2.1	0.7	1.4
Cheating and dishonestly inducing delivery of property	5.9	4.9	5.4	12.8	13.0	12.9	9.3	6.4	7.9	1.1		0.6	5.6	1.7	3.7	6.0	2.0	4.0	6.5	4.4	5.5
Mischief by killing or maiming cattle	33.0	24.4	28.7	1.3	5.2	3.2	17.5	18.1	17.8	5.6	1.3	3.6	7.9	10.8	9.3	11.0	3.9	7.4	16.4	13.5	15.0
Separation / Divorce	2.3		1.1				10.3	11.7	11.0	11.1	2.5	7.1	0.8		0.4				3.7	1.9	2.8
Dowry	0.9	0.4	0.7	1.3		0.6	5.2	1.1	3.1	1.1	5.1	3.0	0.8		0.4				1.4	0.9	1.1
Conflict between husband and wife							14.4	5.3	9.9	4.4		2.4							2.5	0.7	1.6
Money related / misappropriation of money				1.3		0.6													0.1		0.1
Land related dispute / Occupying land illegally	2.3	0.9	1.6				16.5	6.4	11.5	8.9	2.5	5.9							4.1	1.4	2.8
Political reason				1.3		0.6		1.1	0.5	1.1		0.6							0.3	0.1	0.2
Cheating to send abroad										1.1		0.6							0.1		0.1
Women repression	1.4		0.7				2.1		1.0										0.7		0.4
Damaged of crops	0.9	0.4	0.7				1.0		0.5										0.4	0.1	0.3
NA	28.5	40.9	34.8	3.8	11.7	7.7	29.9	31.9	30.9	37.8	63.3	49.7	35.7	52.5	43.9	5.0	42.2	23.8	25.1	41.2	33.1
N	221	225	446	78	77	155	97	94	191	90	79	169	126	120	246	100	102	202	712	697	1409

Table 19: Distribution of respondents by their by their reporting as to whether Village Court functions in his/her respective locality (%)

Whether VC functions	Barisal			Chittagong			Dhaka			Khulna			Rajshahi			Sylhet			All		
	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All
Yes	59.7	43.6	51.6	94.9	87.0	91.0	43.3	53.2	48.2	53.3	27.8	41.4	51.6	37.5	44.7	74.0	45.1	59.4	61.1	47.1	54.2
No	3.6	3.6	3.6		1.3	0.6	14.4	8.5	11.5	2.2		1.2	7.1	5.8	6.5	18.0	1.0	9.4	7.2	3.6	5.4
Don't know	8.1	12.0	10.1	1.3		0.6	12.4	7.4	9.9	6.7	8.9	7.7	5.6	4.2	4.9	3.0	11.8	7.4	6.6	8.3	7.5
NA	28.5	40.9	34.8	3.8	11.7	7.7	29.9	30.9	30.4	37.8	63.3	49.7	35.7	52.5	43.9	5.0	42.2	23.8	25.1	41.0	33.0
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
N	221	225	446	78	77	155	97	94	191	90	79	169	126	120	246	100	102	202	712	697	1409

Table 20: Respondents' own evaluation about the performance of Village Court in his/her respective locality (%)

Performance	Barisal			Chittagong			Dhaka			Khulna			Rajshahi			Sylhet			All		
	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All
Good	18.6	5.8	12.1	51.3	18.2	34.8	24.7	19.1	22.0	26.7	17.7	22.5	11.1	6.7	8.9	33.0	28.4	30.7	24.7	13.8	19.3
Moderate	34.4	32.4	33.4	37.2	51.9	44.5	16.5	28.7	22.5	24.4	7.6	16.6	29.4	27.5	28.5	39.0	13.7	26.2	30.8	27.7	29.2
Not Good	6.3	5.3	5.8	6.4	14.3	10.3	1.0	3.2	2.1	1.1	2.5	1.8	10.3	3.3	6.9	2.0	2.0	2.0	5.1	4.9	5.0
Do not Know	0.5	-	0.2	-	2.6	1.3	1.0	2.1	1.6	1.1	-	0.6	0.8	-	0.4	-	1.0	0.5	0.6	0.7	0.6
NA	40.3	56.4	48.4	5.1	13.0	9.0	56.7	46.8	51.8	46.7	72.2	58.6	48.4	62.5	55.3	26.0	54.9	40.6	38.9	52.9	45.8
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
N	221	225	446	78	77	155	97	94	191	90	79	169	126	120	246	100	102	202	712	697	1409

Table 21: Respondents' opinion about the reasons for not functioning of village courts in their respective localities (%)

Reasons	Barisal			Chittagong			Dhaka			Khulna			Rajshahi			Sylhet			All		
	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All
VC does not exist	12.5	12.5	12.5				71.4	25.0	54.5				33.3	57.1	43.8	11.1		10.5	31.4	28	30.3
Chairman/ members are not active	25.0	25.0	25.0	0.0	100.0	100.0	57.1	62.5	59.1				44.4	85.7	62.5	61.1	100.0	63.2	49.0	60	52.6
VC does not function due to village politics	25.0	12.5	18.8		100.0	100.0	14.3	12.5	13.6				33.3	14.3	25.0	16.7		15.8	19.6	16	18.4
People think that VC does not ensure Justice	12.5	62.5	37.5				14.3	25.0	18.2							77.8		73.7	33.3	28	31.6
Corruption/ Bribe in VC	25.0		12.5		100.0	100.0	21.4	25.0	22.7				22.2	57.1	37.5	50.0		47.4	31.4	28	30.3
Lack of capacity of VC members	25.0	37.5	31.3				28.6		18.2	50.0		50.0	11.1	14.3	12.5	11.1		10.5	19.6	16	18.4
Chairman/ members are not trained		12.5	6.3																	4	1.3
Shalish/ arbitration is conducted by professional persons							7.1		4.5							11.1		10.5	5.9		3.9
Influence of touts		12.5	6.3				7.1		4.5				22.2	14.3	18.8	11.1		10.5	9.8	8	9.2
Do not know	25.0		12.5					12.5	4.5	50.0		50.0	11.1		6.3				7.8	4	6.6
Either petitioner or respondent only go to the court																5.6		5.3	2.0		1.3

Reasons	Barisal			Chittagong			Dhaka			Khulna			Rajshahi			Sylhet			All		
	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All
Shalish system is more effective							35.7		22.7										9.8		6.6
N	8	8	16		1	1	14	8	22	2		2	9	7	16	18	1	19	51	25	79

Table 22: Respondents' opinion as to which one of the dispute resolution mechanism is more effective for seeking justice for **poor/marginalized** (%)

Dispute resolution mechanism	Barisal			Chittagong			Dhaka			Khulna			Rajshahi			Sylhet			All		
	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All
Shalish	73.8	88.4	81.2	35.9	29.9	32.9	55.7	76.6	32.9	82.2	87.3	66.0	76.2	87.5	84.6	58.0	68.6	81.7	66.4	77.2	71.8
Village Court	24.9	9.8	17.3	60.3	58.4	59.4	33.0	21.3	59.4	14.4	10.1	27.2	23.0	9.2	12.4	28.0	25.5	16.3	28.7	18.9	23.8
Higher Court	1.4	1.8	1.6	3.8	11.7	7.7	11.3	2.1	7.7	3.3	2.5	6.8	0.8	3.3	3.0	14.0	5.9	2.0	4.9	3.9	4.4
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
N	221	225	446	78	77	155	97	94	191	90	79	169	126	120	246	100	102	202	712	697	1409

Table 23: Respondents' opinion as to why s/he considers a dispute resolution mechanism more effective than the others for seeking justice for **poor/marginalized** (%)

Opinion	Barisal	Chittagong	Dhaka	Khulna	Rajshahi	Sylhet	All
<i>Reasons reported by respondents who consider Shalish as the more effective dispute resolution mechanism</i>							
Low cost / Do need money	79.8	43.1	71.4	84.6	72.1	77.3	75.8
Less time consuming/speedy trail/ get justice at once	28.7	25.5	59.5	52.4	42.8	21.1	37.6
Can get justice	11.0	13.7	25.4	40.6	30.3	33.6	23.8
Do judge altogether/many people remain present	8.3	3.9	12.7	4.9	15.4	1.6	8.7
Do not suffer from harassment/ Do not become victim of cheat	18.2	17.6	12.7	19.6	15.4	8.6	15.9
Status and honor remain same	8.3	2.0	10.3	6.3	7.0	5.5	7.3
Remain good relations between petitioner and respondents	13.8	13.7	17.5	42.7	15.9	9.4	18.2
Show sympathy to poor people	11.0	25.5	10.3	18.2	22.9	3.9	14.1
Less people know the fact / fact does not spread out	6.4	5.9	13.5	3.5	3.0	2.3	5.6
No major punishment	0.3		4.0	0.7	2.0	0.8	1.2
Need not to go away far for justice / need not to present	6.4	11.8	1.6	4.9	6.5	3.9	5.5
No biasness / low nepotism	7.5	15.7	19.0	4.9	2.0	14.1	8.7
social judgment			2.4	0.7	1.0	1.6	0.8
Neighboring people help	0.6		4.8	0.7			0.9
Village elite (Matbor) make influence for	0.6		4.8	1.4	1.0	2.3	1.5
Does not require 'bribe'	15.2	2.0	0.8		0.5	0.8	5.8
N	362	51	126	143	201	128	1011
<i>Reasons reported by respondents who consider Village Court as the more effective dispute resolution mechanism</i>							
It requires less amount of money	84.4	53.3	84.6	52.4	70.0	68.5	69.6
Takes short time	49.4	32.6	53.8	57.1	27.5	24.1	39.3
Does not require bribe/No bribe required	22.1	3.3	9.6	28.5	30	11.1	14.6
Justice could be get/ get justice easily	32.5	46.7	42.3	42.9	35.0	53.7	42.3
Keep remain neutrality / one can speak freely	16.9	4.3	11.5	19.0	2.5	1.9	8.6
Good relation remain/Peace remain in the area	26	8.7	17.3	14.3	20	9.3	15.8
Resolved dispute easily	6.5	21.7	3.8	28.6	10.0	5.6	11.9
Village court is near to home	3.9	8.7		14.3	7.5	1.9	5.4
Can submit complain easily	5.2	5.4	9.6		7.5		5.1
Justice in the village	9.1	12.0	11.5	4.8	7.5	3.7	8.9

Review of Social Barriers and Limitations of Village Courts

Opinion	Barisal	Chittagong	Dhaka	Khulna	Rajshahi	Sylhet	All
<i>Reasons reported by respondents who consider Shalish as the more effective dispute resolution mechanism</i>							
Decision can be implemented	1.3	1.1	9.6				2.1
Poor people get justice		2.2	1.9	4.8		1.9	1.5
No fear of Dalal (third party- negotiator)			1.9		5.0		0.9
Based on rules and regulation decision made	2.6			14.3		1.9	1.8
Chairman is popular and accepted elected representative	2.6		9.6		17.5	1.9	4.5
Good communication system			1.9			3.7	0.9
Status and honor remain same						1.9	0.3
N	77	92	52	21	40	54	336
<i>Reasons reported by respondents who consider Higher Court as the more effective dispute resolution mechanism</i>							
Can be get proper justice / neutral justice	42.9	66.7	69.2	60.0	80.0	90.0	72.6
According to the rules and regulations judgment made / Justi	57.1	58.3	84.6	20.0	40.0	5.0	41.9
Women get proper justice	14.3	8.3		20.0			4.8
Justice without political or party influence	14.3		38.5			25.0	17.7
Verdict of court is Implemented	14.3	25.0	23.1	20.0			12.9
Dealing case by lawyer			23.1		20.0	25.0	14.5
Learned judges do the justice			23.1				4.8
Judges maintain the neutrality			15.4	60.0	20.0		9.7
Judges cannot justice against law			7.7				1.6
Respondent does not go to the Chairman / village court	28.6		7.7				4.8
It does not become victim of harassment	28.6					5.0	4.8
N	7	12	13	5	5	20	62

Table 24: Respondents opinion as to which one is more effective dispute resolution mechanism for seeking justice for Women (%)

Dispute resolution mechanism	Barisal			Chittagong			Dhaka			Khulna			Rajshahi			Sylhet			All		
	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All	M	F	All
Shalish	75.6	90.7	83.2	41.0	26.0	33.5	62.9	70.2	66.5	73.3	86.1	79.3	81.7	78.3	80.1	61.0	70.6	65.8	68.8	75.2	72.0
Village Court	23.5	5.8	14.6	47.4	59.7	53.5	20.6	16.0	18.3	16.7	6.3	11.8	12.7	10.0	11.4	19.0	8.8	13.9	22.3	14.3	18.4
Higher Court	0.9	3.6	2.2	11.5	14.3	12.9	16.5	13.8	15.2	10.0	7.6	8.9	5.6	11.7	8.5	20.0	20.6	20.3	8.8	10.5	9.7
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
N	221	225		78	77		97	94		90	79		126	120		100	102		712	697	

Table 25: Respondents' opinion as to why s/he considers a dispute resolution mechanism more effective than the others for seeking justice for Women (%)

Opinion	Barisal	Chittagong	Dhaka	Khulna	Rajshahi	Sylhet	All
<i>Reasons reported by respondents who consider Shalish as the more effective dispute resolution mechanism</i>							
Less time consuming / can get justice at once	18.9	7.7	37.8	54.5	17.8	16.5	24.9
It does not require money/ need less money/ speedy trail	46.1	25.0	63.8	72.4	51.3	38.3	50.7
Can justice in own environment / own village	26.4	26.9	23.6	15.7	31.5	30.1	26.1
Status / prestige / honor keep remain/ keep remain secrecy	52.3	40.4	42.5	32.8	51.3	50.4	47.4
Can get proper justice	11.1	7.7	23.6	41.8	27.9	24.8	21.6
No one can harass	11.3	23.1	13.4	24.6	13.2	7.5	13.8

Review of Social Barriers and Limitations of Village Courts

Opinion	Barisal	Chittagong	Dhaka	Khulna	Rajshahi	Sylhet	All
Elderly people remain present during the trail	5.7	17.3	5.5	0.7	6.6	3.0	5.4
No fear of taut/ <i>batpar</i>	0.5		3.1		0.5		0.7
Women can speak freely in the court	7.8	3.8	12.6	2.2	4.1	2.3	6.0
Good relations remain between petitioner and respondent	11.3	1.9	5.5	20.9	11.7	2.3	10.3
Women issue consider with high sympathy			5.5	0.7			0.8
Does not require any lawyer / easily dismissed	1.3	9.6	2.4	5.2	9.6	5.3	4.5
Keep remain neutrality	0.8	9.6	1.6	4.5	0.5	3.8	2.2
the law is running for many years			0.8		0.5		0.2
Trial before all the people as a result fact discovered	0.3	1.9		3.0		1.5	0.8
Every one obey the decision / mass people are aware enough	0.5	5.8		3.0	2.5	1.5	1.6
It is possible to <i>resolve</i> the conflict between husband and wife				1.5	0.5		0.3
No political influence		1.9					0.1
Fine money can get sonly				0.7	0.5		0.2
It is possible to justice through police	0.3				0.5		0.2
Selection of representative according to our choice	0.5						0.2
N	371	52	127	134	197	133	1014
<i>Reasons reported by respondents who consider Village Court as the more effective dispute resolution mechanism</i>							
It does not require money/ need less money/ speedy trail	76.9	39.8	71.4	60.0	42.9	35.7	54.8
Less time consuming / can get justice at once	38.5	26.5	65.7	40.0	39.3	25.0	37.1
Status / prestige / honor keep remain/ keep remain secrecy	30.8	10.8	8.6	10.0	14.3	3.6	15.1
Can get proper justice	32.3	34.9	34.3	40.0	42.9	57.1	37.8
No one can harass	27.7	27.7	42.9	35.0	28.6	14.3	29.0
Women issue consider with high sympathy	1.5	3.6	11.4			3.6	3.5
Both party present in the trail/ good understanding remain	1.5	19.3	14.3	10.0	10.7		10.4
Doesn't go far for justice	4.6	12.0	2.9	5.0		7.1	6.6
Women and man can go to court	3.1	12.0	8.6	15.0	3.6	7.1	8.1
No influence of taut / <i>batpar</i>	1.5		2.9		21.4		3.1
Can justice in own environment / at UP level/ Chair-man does	3.1	6.0	5.7	20.0	10.7	10.7	7.3
Judgment / decision of the court is so strong / decision ma	3.1	2.4		10.0	10.7	3.6	3.9
Women and man can easily get justice from this court	3.1	3.6		15.0		3.6	3.5
Everyone obey the decision/ good relations remain		1.2					0.4
No or less legal harassment	3.1	1.2		5.0	3.6		1.9
Preference given to local opinion / less spread out	1.5					14.3	1.9
Does not require communication cost	3.1	1.2		5.0	3.6	3.6	2.3
Have opportunity to make appeal	1.5			10.0	3.6		1.5
People can live with peace			2.9				0.4
N	65	83	35	20	28	28	259
<i>Reasons reported by respondents who consider Higher Court as the more effective dispute resolution mechanism</i>							
Proper justice can be get	10.0	15.0	27.6	40.0	38.1	2.4	19.9
Justice according to the law of the country	20.0	10.0	48.3		33.3	4.9	19.9

Review of Social Barriers and Limitations of Village Courts

Opinion	Barisal	Chittagong	Dhaka	Khulna	Rajshahi	Sylhet	All
Women friendly/ women get proper justice	40.0	70.0	41.4	66.7	28.6	80.5	58.1
Case deal by lawyer / influence free justice system	10.0	15.0	37.9	6.7	19.0	7.3	16.9
Proper investigation made / Judges are honest and neutral	10.0	5.0	31.0	60.0	33.3	19.5	25.7
Verdict can be implemented		20.0		6.7	9.5		5.1
It is possible to get back the money of <i>Kabin</i>		15.0					2.2
Every one fear the police/ court shows honor to the women s	20.0		3.4	13.3	9.5	2.4	5.9
All allegations of women are heard			17.2		9.5	2.4	5.9
Defender gets fear			3.4		4.8		1.5
It is better to go to the court to punish male	20.0					2.4	2.2
People are compelled to agree verdict		5.0					0.7
Women get justice			3.4				0.7
For the sake of presence the lawyers					4.8		0.7
N	10	20	29	15	21	41	136

Table 26: Respondents' opinion about the specific Social barriers for seeking justice for poor/marginalized (%)

Social barriers	Barisal	Chittagong	Dhaka	Khulna	Rajshahi	Sylhet	All
Apathy of guardians	32.3	5.2	9.9	34.9	12.6	14.4	20.6
Concern about family reputation/social dignity	56.5	9.0	28.8	64.5	52.0	39.1	45.2
Not having family members who can raise voice in <i>Shalish</i>	9.0	45.8	14.7	21.9	19.9	5.9	16.8
Weak social status	43.7	85.2	79.1	75.1	74.0	55.0	63.7
Resistance by touts in justice system	7.2	9.7	15.7	9.5	30.9	9.9	13.4
Inducing by other people for not going to the appropriate pl	13.0	5.2	25.1	1.2	17.9	9.9	12.8
Biasness of the chairmen/members	12.6	45.8	25.7	18.3	10.6	16.8	18.9
Dont know	3.8	0.6	8.9	0.6	3.3	13.4	5.0
Others						1.0	0.1
N	446	155	191	169	246	202	1409

Table 27: Respondents' opinion about the specific Political barriers for seeking justice for poor/marginalized (%)

Political barriers	Barisal	Chittagong	Dhaka	Khulna	Rajshahi	Sylhet	All
Political affiliation of the victim	30.5	36.8	59.2	60.4	45.9	14.4	39.0
Opponents of UP Chairman/ Member	49.8	54.2	49.7	42.6	56.1	23.3	46.7
Underground Politics	1.1	1.3		4.7	4.9	5.4	2.7
Don't know	27.1	23.2	15.7	27.8	21.1	59.4	28.8
Justice is not without money						0.5	0.1
Political leaders are obstacles	0.4					1.0	0.3
N	446	155	191	169	246	202	1409

Table 28: Respondents' opinion about the specific Economic barriers for seeking justice for poor/marginalized (%)

Economic barriers	Barisal	Chittagong	Dhaka	Khulna	Rajshahi	Sylhet	All
Economic status of victim	66.1	96.1	93.7	77.5	86.6	62.9	77.6
Don't know	33.9	3.9	6.3	23.1	13.4	34.2	22.0
Transaction of money						3.0	0.4
N	446	155	191	169	246	202	1409

Table 29: Respondents' opinion about the specific Cultural barriers for seeking justice for poor/marginalized (%)

Cultural barriers	Barisal	Chittagong	Dhaka	Khulna	Rajshahi	Sylhet	All
Religion affiliation of the victim	18.4	2.6	15.7	20.1	13.8	4.5	13.7
Ethnic identity of victim	21.7	3.2	16.2	11.8	10.2	1.0	12.8
Mindset of local people	5.8	21.3	35.1	1.8	24.8	11.9	15.2
Dont know	56.7	72.9	38.2	75.7	61.8	81.7	62.7
Hereditary identity	0.2	0.6				1.0	0.3
Racial discrimination						0.5	0.1
N	446	155	191	169	246	202	1409

Table 30: Respondents' opinion about the specific Religious barriers for seeking justice for poor/marginalized (%)

Religious barriers	Barisal	Chittagong	Dhaka	Khulna	Rajshahi	Sylhet	All
Fotwa	1.3	1.3	3.1	7.7	9.8	2.5	4.0
Religious taboo	37.4	4.5	22.5	26.6	25.6	3.0	23.5
Influence of religious leader	13.0	1.9	6.8	4.7	2.0	0.5	6.2
Religious superstition	25.1	4.5	30.4	4.7	37.0	8.4	20.8
Don't know	33.0	89.0	53.9	68.0	51.6	85.6	57.0
N	446	155	191	169	246	202	1409

Table 31: Respondents' opinion about the specific Legal barriers for seeking justice for poor/marginalized (%)

Legal barriers	Barisal	Chittagong	Dhaka	Khulna	Rajshahi	Sylhet	All
No legal knowledge	23.3	39.4	43.5	43.8	35.0	19.8	31.8
Ignorance	32.1	50.3	57.6	45.6	55.3	31.7	43.2
Expensive	21.1	38.7	75.4	28.4	54.5	16.8	36.5
Time consuming	11.4	30.3	29.8	14.8	17.1	8.9	17.0
Complex procedure	4.0	12.3	18.8	10.7	7.7	7.4	8.9
No confidence on judiciary	2.5	7.1	14.1	20.7	4.9	17.3	9.3
Don't know	27.1	5.8		15.4	19.1	30.7	18.8
N	446	155	191	169	246	202	1409

Table 32: Respondents' opinion about the specific Social barriers for seeking justice for Women (%)

Social barriers	Barisal	Chittagong	Dhaka	Khulna	Rajshahi	Sylhet	All
Apathy of guardians	46.6	21.9	27.7	55.0	41.9	27.2	38.8
Concern about family reputation/social dignity	65.5	49.0	57.1	81.1	59.8	56.9	62.2
Not having family members who can raise voice in <i>Shalish</i>	10.3	46.5	22.5	20.1	18.3	5.4	17.8
Weak social status	30.7	73.5	52.4	72.2	65.9	36.6	50.3
Resistance by touts in justice system	5.2	10.3	11.5	5.9	25.6	5.4	10.3
Inducing by other people for not going to the appropriate pl	13.2	1.9	10.5		13.4	2.0	8.4
Biasness of the chairmen/members	10.3	26.5	11.5	5.3	9.8	15.8	12.3
Dont know	4.0		15.2	1.2	1.2	15.8	6.0
Not becoming victim of harassment	0.2						0.1
Do not pay heed to women's voice	0.2					1.0	0.2
Cannot go in proper palace						0.5	0.1
Bribery and corruption			0.5				0.1
N	446	155	191	169	246	202	1409

Table 33: Respondents' opinion about the specific Political barriers for seeking justice for Women (%)

Political barriers	Barisal	Chittagong	Dhaka	Khulna	Rajshahi	Sylhet	All
Political affiliation of the victim	30.5	34.8	45.0	61.5	40.7	13.4	36.0
Opponents of UP Chairman/ Member	48.0	56.1	46.6	36.7	58.9	26.2	46.1
Underground Politics	1.3			1.8	5.3	7.9	2.7
Dont know	27.8	18.7	28.3	28.4	20.7	56.9	29.9
Political leaders take favor	0.2	1.9				1.5	0.5
N	446	155	191	169	246	202	1409

Table 34: Respondents' opinion about the specific Economic barriers for seeking justice for Women (%)

Economic barriers	Barisal	Chittagong	Dhaka	Khulna	Rajshahi	Sylhet	All
Economic status of victim	63.5	91.6	82.2	75.1	89.0	58.4	74.2
Don't know	37.0	7.7	17.8	24.9	11.0	38.6	25.4
Dealing of illegal money / Bribe		1.3				3.0	0.6
N	446	155	191	169	246	202	1409

Table 35: Respondents' opinion about the specific Cultural barriers for seeking justice for Women (%)

Cultural barriers	Barisal	Chittagong	Dhaka	Khulna	Rajshahi	Sylhet	All
Religion affiliation of the victim	21.1	7.7	15.7	23.1	12.6	3.0	15.0
Ethnic identity of victim	19.7	6.5	10.5	14.2	9.3	0.5	11.8
Mindset of local people	7.4	18.7	33.5	3.6	27.6	11.9	15.9
Don't know	55.4	69.0	44.5	71.0	61.0	84.7	62.5
N	446	155	191	169	246	202	1409

Table 36: Respondents' opinion about the specific Religious barriers for seeking justice for Women (%)

Religious barriers	Barisal	Chittagong	Dhaka	Khulna	Rajshahi	Sylhet	All
Fotwa	2.7	6.5	8.9	14.2	13.4	3.0	7.2
Religious taboo	40.4	15.5	34.6	37.9	25.6	6.9	29.2
Influence of religious leader	15.7	1.9	5.8	1.2	5.7	1.0	7.2
Religious superstition	27.4	6.5	24.6	11.8	41.9	9.4	22.8
Don't know	27.4	72.9	45.0	55.6	46.7	81.2	49.3
N	446	155	191	169	246	202	1409

Table 37: Respondents' opinion about the specific Legal barriers for seeking justice for Women (%)

Legal barriers	Barisal	Chittagong	Dhaka	Khulna	Rajshahi	Sylhet	All
No legal knowledge	25.1	36.1	43.5	37.3	34.6	17.3	30.8
Ignorance	28.9	43.2	59.2	41.4	51.6	30.7	40.3
Expensive	18.6	33.5	60.7	25.4	50.4	12.4	31.4
Time consuming	8.1	21.9	23.6	16.6	19.1	6.4	14.4
Complex procedure	6.3	16.8	29.8	16.0	11.4	10.4	13.3
No confidence on judiciary	2.9	7.7	8.9	19.5	5.3	15.8	8.5
Dont know	27.6	9.0	2.6	12.4	17.1	29.7	18.8
Weakness of law						2.0	0.3
No one wants to be witness						0.5	0.1
Lack of proper law						0.5	0.1
Make discrimination						0.5	0.1
N	446	155	191	169	246	202	1409

Table 38: Respondents' opinion about the possible barriers in activating the village courts (%)

Possible barriers	Barisal	Chittagong	Dhaka	Khulna	Rajshahi	Sylhet	All
Lack of awareness of mass people	57.4	65.2	72.3	37.3	55.3	45.0	55.7
Bias/Nepotism/Political influence/Bribe /Misjudgment of VC	45.1	61.9	60.2	30.8	56.5	47.5	49.6
Low level of jurisdiction of VC	20.6	27.7	11.0	13.6	5.7	14.4	15.8
Local touts persuade cases to approach to higher courts	13.0	6.5	26.7	12.4	35.8	11.4	17.8
Lack of manpower of VC	17.7	8.4	5.2	14.2	6.9	6.9	11.1
Lack of capacity of VC officials	11.0	8.4	8.4	10.7	3.7	6.9	8.4
Lack of infrastructure and logistics in VC	3.4	7.1	4.7	1.2	1.2	3.5	3.3
Implementation of the verdict is uncertain	3.6	52.9	11.5	11.8	8.5	3.5	11.9
Do not know	8.3	5.8	1.6	1.2	26.4	23.3	11.6
Lack of knowledge about village court			11.5				1.6
No speedy judgment/ trail		1.3				1.0	0.3
Proper justice cannot be get from <i>Shalish</i>			0.5			0.5	0.1
To ensure proper justice for the poor						0.5	0.1
No value / evaluation of poor people						0.5	0.1
Village court function in favor of rich people						1.0	0.1
People have less interest towards village court						0.5	0.1
No proper justice						1.0	0.1
Chairman, Member do not take the case seriously			0.5			0.5	0.1
NA			0.5	47.9		0.5	5.9
N	446	155	191	169	246	202	1409

Table 39: Respondents' opinion about the steps to be taken to make the village court more effective (%)

Steps to be taken	Barisal	Chittagong	Dhaka	Khulna	Rajshahi	Sylhet	All
Ensuring awareness of people	43.7	59.4	78.5	49.1	67.1	43.6	54.9
Ensuring fair Justice	59.2	61.9	87.4	40.8	65.9	58.9	62.2
Power of VC should be increased	28.9	52.3	20.4	13.0	24.8	17.3	26.0
Training and confidence building of the VC chairman and other	15.5	25.8	18.3	7.1	17.1	6.9	15.0
Regular staff should be recruited for managing the department	7.2	6.5	8.9	10.7	7.7	4.5	7.5
Ensuring infrastructure and logistics of VC	7.4	5.8	6.8	0.6	1.2	7.9	5.3
VC activities should be monitored properly	11.2	31.6	15.2	21.3	19.9	14.4	17.2
Do not know	7.6	2.6	2.1		17.9	16.8	8.5
Due to lack of knowledge about village court		1.3	1.0				0.3
Case should to be dismissed speedy		2.6	0.5			1.0	0.5
Bribery / corruption should to be removed	0.2	0.6				1.0	0.3
More cases are to be dismissed in village court			9.4				1.3
No biasness/ maintaining neutrality	0.2	1.3	0.5				0.3
Publicity and advertisement should to be increased			3.1				0.4
should to be free from political influence		0.6					0.1
Chairman should to be honest		0.6				1.0	0.2
Case should to be taken seriously						0.5	0.1
Should to be remain with influential people		0.6				0.5	0.1
NA	0.2	0.6		46.7		0.5	5.8
N	446	155	191	169	246	202	1409

Table 40: Respondents' opinion about the possible roles of different stakeholders in activating the village court (%)

Possible roles of different stakeholders	Barisal	Chittagong	Dhaka	Khulna	Rajshahi	Sylhet	All
<i>UP Chairmen/members</i>							
To aware people about VC	50.2	32.3	82.2	43.8	72.0	42.6	54.5

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Possible roles of different stakeholders	Barisal	Chittagong	Dhaka	Khulna	Rajshahi	Sylhet	All
Ensure justice	60.1	81.3	76.4	39.1	55.7	59.4	61.2
Speedy resolution	13.7	26.5	10.5	19.5	24.0	4.5	15.8
Don't Know	5.4	0.6	0.5		17.5	18.3	7.5
To be learned and neutral	0.2	5.8					0.7
Maintaining good behavior with people			0.5				0.1
To discuss with people about it		0.6	0.5				0.1
Any case should to be taken seriously						0.5	0.1
Fact should to be investigate by member			0.5				0.1
NA	0.2	0.6		46.2			5.7
N	446	155	191	169	246	202	1409
<i>TV/Newspaper/Radio</i>							
Increase publishing about VC	67.9	67.1	94.8	40.8	65.9	65.3	67.5
Serial	30.3	29.0	4.7	10.1	33.7	32.2	25.1
To show drama	0.4	0.6	1.6				0.4
Public opinion will be assessed	0.2		1.0				0.2
various side of VC should to be up hold			1.0				0.1
To be raised different aspects of village court			0.5				0.1
NA	1.6	3.9	0.5	49.1	0.8	2.5	7.4
N	446	155	191	169	246	202	1409
<i>CBO/NGO/Social Organization</i>							
Posting/Leaflet	18.6	20.0	22.0	2.4	30.9	15.8	19.0
Uthan Baithak/Tea Stall session	35.2	52.3	67.0	26.0	49.6	29.7	42.0
Street Drama	4.0	4.5	6.3	10.7	0.4	7.4	5.0
Don't know	48.2	21.9	18.3	11.2	37.4	52.5	35.6
To inform through milking	0.7		5.8			0.5	1.1
Stand beside the poor people			1.0				0.1
Provide financial support to VC	0.7		1.6				0.4
To show Bioscope			1.6				0.2
NA	0.7	2.6		55.6	0.8	3.0	7.7
N	446	155	191	169	246	202	1409
<i>Political Leader/Elite person</i>							
Ensuring dispute resolution in VC	37.2	31.0	70.7	24.9	54.1	24.3	40.7
To identity and punish those who act in the way of dispute r	29.6	29.0	26.7	16.6	28.5	22.8	26.4
To cooperate the process of justice	30.3	76.8	53.4	27.2	20.3	44.1	38.4
To suggest other people to go to VC	6.5	17.4	46.6	8.3	7.3	9.9	14.0
Don't know	23.3	1.3	2.1	3.6	38.2	26.2	18.7
To protect and prevent if any unlawful event happened			0.5			0.5	0.1
No party influence						0.5	0.1
To inform the bad effect or loss of cases			0.5				0.1
Giving good suggestions honestly						0.5	0.1
NA		0.6	1.0	50.3	0.4		6.3
N	446	155	191	169	246	202	1409
<i>Higher Court/ Police</i>							
To shift minor litigation in VC by Higher Courts	34.3	44.5	68.6	34.3	31.3	30.7	39.0
To shift minor case in VC by Thana	24.0	51.0	47.6	21.3	28.9	9.9	28.7
Do not know	43.5	39.4	25.7	10.7	57.3	58.9	41.3
To cooperate to do justice / to monitoring	0.2		1.0			1.0	0.4
To give punishment to the greedy judges/ to show fear	1.6						0.5
Chairman should ensure justice	0.4						0.1

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Possible roles of different stakeholders	Barisal	Chittagong	Dhaka	Khulna	Rajshahi	Sylhet	All
NA	0.7	1.9		49.7		1.5	6.6
N	446	155	191	169	246	202	1409
<i>Others (UNO, Court, DC, LGED Ministry (Specify)).....</i>							
Supervision and monitoring of the village court activities	30.5	48.4	67.0	33.1	15.0	32.7	35.3
Do not know / cannot say	49.6	32.3	21.5	11.8	82.1	53.0	45.5
To ensure justice/ to protect biasness	7.4	4.5	8.4	1.8	0.8	9.4	5.7
To trained up UP Chairman and member	4.0	1.9	1.0		0.4		1.7
To investigate and protect bribery and corruption	0.9	1.9	0.5	0.6		2.5	1.0
To brief about VC to the chairman and member through meeting	4.9	1.3	8.4			4.0	3.4
To take action against the panel members who misjudge	2.7		20.9				3.7
UNO should inform village people about VC through miking	0.7		11.0	2.4	1.2		2.2
To cooperate and give suggestions if any problems arise	4.9	1.3	3.7	1.8		1.0	2.6
To increase the VC power	1.6	3.2	3.1			0.5	1.3
To select fit person as panel judge	3.8		1.0			1.5	1.6
To remain present in the night of judgment so that proper j	0.7		1.6			0.5	0.5
To take arrangement so that the dispute resolved speedy			1.6				0.2
To help by financially	0.2						0.1
To give legal and administrative support	0.7	2.6	0.5			1.0	0.7
To observe whether the VC do justice in the social security		5.2				0.5	0.6
To send minor crime to VC			0.5			0.5	0.1
To take government initiative to activate VC			1.0			1.0	0.3
Matobor or the Shalisdar are enough						0.5	0.1
They have no contribution here					0.4	0.5	0.1
To make aware about VC	0.7	0.6	0.5	0.6	0.4	1.0	0.6
To recruit or increase man power	0.2		0.5			0.5	0.2
NA	0.7	0.6	0.5	49.7			6.3
N	446	155	191	169	246	202	1409

Annex D: DATA COLLECTION INSTRUMENTS

DCI 1: Interview with Household (Male/Female)

INSTRUCTION TO THE INTERVIEWER

1. The permission of respondent has been sought;
2. The respondent has been informed that his/her identity will be kept confidential;
3. The objectives of the study have been explained

A	Name of Respondent:
B	Father/Husband Name:
C	Age (Year):
D	Male= 1, Female= 2
E	Occupation:
F	Village:
G	Union:
H	Upazila:
I	District: Barguna = 01, Pirojpur = 02, Chuadanga = 03, Rangpur = 04, Nilphamari = 05, Patuakhali = 06, Faridpur = 07, Moulvibazar = 08, Cox's Bazar = 09
J	Cell # (if available)

Name and Signature of the Interviewer, Supervisor and QCO

	Interviewer	Supervisor	Q.C.O
Name:			
Signature:			
Date:			
Start time:	End time:		

I	Household Socio-economic Status	
101	What is your Social status? General village people=1, Local village leader (Matbar)=2, Union <i>parishad</i> member=3, Union <i>parishad</i> chairman=4, Ordinary household Others (specify)	
II	Household Land Ownership Status	
102	What is the amount of land owned by your household?	
	Category	Decimal
01	Total own land (agriculture)	
02	Land given to others (leased out/mortgaged out/rented out)	
03	Land taken from others (Leased in/mortgaged in/rented in)	
04	Homestead land	
05	Area under bamboo clump	
06	Pond area (single + collective ownership)	
07	Land under temporary crops	

08	Land under permanent crop/reserved land (trees, flower, nursery etc)	
09	Current Fallow	
10	Land under Pisciculture (Non-pond)	
III	Household Poverty and Vulnerability Status	
103	What is the status of your household in terms of Food Security? Cannot afford 3 meals/day for most of the days round the year=1, Cannot afford 3 meals /day for 6 months of a year=2, Cannot afford 3 meals/day for 2-3 months in a year=3, Cannot afford 3 meals /day for a few days (food draught, calamity etc=4, Can afford 3 meals/day round the year=5	
104	Does any member of your household receive benefit from anyone of the following? VGD/VGF Card holder=1, Distress women/widow allowance=2, Old Age allowance=3, Freedom Fighter allowance=4, Disability allowance=5, Integrated Food Security (IFS) /Gratuitous Relief (GR)/Test Relief (TR)=6, Food for Work/ Money Assistance receive=7, Employment Project of 100 Days=8, Employment Project of Vulnerable women=9, don't receive any sort of benefit schemes=10, Others (specify).....	
IV	Household Exposure with Criminal Offence/Civil Dispute	
105	Did you experience any sort of dispute during last 3 years? Yes=1, No=2 (Skip to q.107)	
106	If yes in question # 104, what sort of dispute did you face? Nature of dispute: Dispute relating to money lending/ interest on loan etc.=1, Land /property mortgage=2, Selling/purchasing of land=3, Forged document of land=4, Demarcation of land=5, Land occupation=6, Obstruction in harvesting crop=7, Looting/plundering/ destruction of property=8, Obstruction in shopping/ business=9, Family conflict=10, Fight/quarrel=11, Violence against woman=12, Dowry=13, Physical assault=14, Theft=15, Dacoity /robbery=16, Extortion=17, Eve teasing to female=18, Threat=19, Murder case=20, Political harassment=21, Obstruction in religious practices=22, Obstruction in casting vote in election=23, Distribution of property=24, Dispute related to record of land= 25, Divorce/marriage without guardians consent=26, Others (Specify).....	
107	If yes in question # 104, what steps did you take to <i>resolve</i> the dispute? Sought <i>Shalish</i> /Arbitration=1, Applied to UP Chairman for Village Court=2, Went to Higher Courts=3, Went to PS=4, Did not take any step=5, Others (Please specify).....	
108	Have you ever heard of village court? Yes=1 No=2 (Skip to 115)	
109	If yes in question # 108, do you know about who are the members of the VC? UP Chairman=1, UP Member=2, Chairman-Member=3, 5 members including the Chairman and 2 Members and 2 representatives from the two parties=4, Don't know=5	
110	If answer to Q 107 is yes, source of knowledge? UP Chairman/Member=1, Friends/Neighbours/Relatives=2, UP Employer (Secretary/VDP)=3, TV/Newspaper/Radio=4, CBO/NGO/Social Organization=5, Government Official=6, Political Leader=7, Advocate/Lawyer=8, Matbar=9, General people of the village=10, Others (Please specify)	
111	If yes in question 107, do you know what the valuation of that dispute can be resolved in VC? Yes=1 No=2	
112	If yes in question 110, amount of money (Tk.)	
113	If yes, in question # 108 whether she/ he knows a person can approach to VC for the following disputes? Voluntarily (without provocation) hurting another person=1, Committing mischief of another person= 2, Dispute due to criminal trespass= 3, Joining in unlawful assembly=4, Committing riot=5, Committing affray=6, Conducting wrongful restraint=7, Confining another person wrongfully=8, Insulting another person with intention to provoke breach of the peace=9, Conducting criminal intimidation=10, Inducing another person to believe that he will be rendered an object of the divine displeasure=11, Putting word, or expressing gesture or committing act intended to insult the modesty of a woman=12, Misconduct in public by a drunken person=13, Conduct of theft=14, Dishonest misappropriation of property=15, Criminal breach of trust=16, Cheating and dishonestly inducing delivery of property= 17, Mischief by killing cattle= 18	
114	If yes, in question # 108 whether the Village Court functions in your locality? Yes=1 No=2	

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115	If the village court functions in your locality, how would you evaluate its performance? Good=1, Moderate=2, Not Good= 3, Do not Know/ Not Applicable=4
116	If the Q 114 answer is no, why no function? VC does not exist=1, Chairman/members are not active=2, VC does not function due to village politics=3, People think that VC does not ensure Justice=4, Corruption/Bribe in VC= 5, Lack of capacity of VC members=6, Chairman/members are not trained=7, People seek justice to the religious leaders=8, <i>Shalish</i> /arbitration is conducted by professional persons=9, Influence of touts= 10, Don't know=11, Others
V	Perception and Opinion
117	Which dispute resolution do you consider more effective for seeking justice for poor/ marginalized ?
Places of dispute resolution	
<i>Shalish</i> =1, Village Court=2, Higher Court=3	
118	Which dispute resolution do you consider more effective for seeking justice for women?
Places of dispute resolution	
<i>Shalish</i> =1, Village Court=2, Higher Court=3	
119	What according to you are the specific barriers for seeking justice for poor and marginalized?
A.	Social: Apathy of guardians=1, Concern about family reputation/social dignity=2, Not having family members who can raise voice in <i>Shalish</i> =3, Weak social status=4, Resistance by touts in justice system=5, Inducing by other people for not going to the appropriate place=6, Biasness of the chairmen/members=7, Don't know=8, Others=9
B.	Political: Political affiliation of the victim=1, Opponents of UP Chairman/ Member=2, Underground Politics = 3, Don't know=4, Others (Specify).....
C.	Economic: Economic status of victim=1, Don't know=2, Others (Specify)
D.	Cultural: Religion affiliation of the victim=1, Ethnic identity of victim=2, Mindset of local people=3, Don't know=4, Others (Specify)
E.	Religious: Fatwa=1, Religious taboo=2, Influence of religious leader=3, Religious superstition=4, Don't know=5, Others (Specify)
F.	Legal: No legal knowledge=1, Ignorance=2, Expensive=3, Time consuming=4, Complex procedure=5, No confidence on judiciary=6, Don't know=7, Others (Specify)
120	What according to you are the specific barriers for seeking justice for Women ?

A	Social: Apathy of guardians=1, Concern about family reputation/social dignity=2, Not having family members who can raise voice in <i>Shalish</i> =3, Weak social status=4, Resistance by touts in justice system=5, Inducing by other people for not going to the appropriate place=6, Biasness of the chairmen/members=7, Don't know=8, Others=9																		
B	Political: Political affiliation of the victim=1, Opponents of UP Chairman/ Member=2, Underground Politics = 3, Don't know=4, Others (Specify).....																		
C	Economic: Economic status of victim=1, Others (Specify)																		
D	Cultural: Religious affiliation of the victim=1, Ethnic identity of victim=2, Mindset of local people=3, Don't know=4, Others (Specify)																		
E	Religious: Fotwa=1, Religious taboo=2, Influence of religious leader=3, Religious superstition=4, Don't know=5, Others (Specify)																		
F.	Legal: No legal knowledge=1, Ignorance=2, Expensive=3, Time consuming=4, Complex procedure=5, No confidence on judiciary=6, Don't know=7, Others (Specify)																		
121	What according to you are the possible barriers in activating the village courts? Lack of awareness of mass people=1, Bias/Nepotism/Political influence/Bribe /Misjudgment of VC officials=2, Low level of jurisdiction of VC=3, Local touts persuade cases to approach to higher courts=4, Lack of manpower of VC=5, Lack of capacity of VC officials=6, Lack of infrastructure and logistics in VC=7, Implementation of the verdict is uncertain=8, Don't know=9, Others (Specify)																		
122	What steps can be taken to make the VC more effective? Ensuring awareness of people=1, Ensuring fair Justice=2, Power of VC should be increased=3, Training and confidence building of the VC chairman and other member of UP=4, Regular staff should be recruited for managing the departmental activities of the VC=5, Ensuring infrastructure and logistics of VC=6, VC activities should be monitored properly=7, Don't know=8, Others (Specify)																		
123	What according to you might be the roles of different stakeholders in activating the village courts?																		
	<table border="1"> <thead> <tr> <th>Stakeholders</th> <th>Possible Roles</th> </tr> </thead> <tbody> <tr> <td>UP Chairman/Member</td> <td>To aware people about VC=1, Ensure justice=2, Speedy resolution=3, Others</td> </tr> <tr> <td>TV/Newspaper/Radio</td> <td>Increase publishing about VC=1, Serial=2, Others.....</td> </tr> <tr> <td>CBO/NGO/Social Organization</td> <td>Postering/Leaflet=1, Uthan Baithak/Tea Stall session=2, Street Drama=3 Other.....</td> </tr> <tr> <td>Government Official</td> <td>Cooperative monitoring=1, Practical learning=2, Street Drama=3, Others.....</td> </tr> <tr> <td>Political Leader/Elite person</td> <td>Ensuring dispute resolution in VC=1, To identify and punish those who act in the way of dispute resolution=2, To cooperate the process of justice=3, To suggest other people to go to VC= 4, Others.....</td> </tr> <tr> <td>Advocate/Lawyer</td> <td>To give suggestion about the possible litigations to be resolved by VC=1, Others.....</td> </tr> <tr> <td>Higher Court/ Police</td> <td>To shift minor litigation in VC by Higher Courts=1, To shift minor case in VC by <i>Thana</i>=2, Others</td> </tr> <tr> <td>Others (UNO, Court, DC, LGED Ministry (Specify).....</td> <td></td> </tr> </tbody> </table>	Stakeholders	Possible Roles	UP Chairman/Member	To aware people about VC=1, Ensure justice=2, Speedy resolution=3, Others	TV/Newspaper/Radio	Increase publishing about VC=1, Serial=2, Others.....	CBO/NGO/Social Organization	Postering/Leaflet=1, Uthan Baithak/Tea Stall session=2, Street Drama=3 Other.....	Government Official	Cooperative monitoring=1, Practical learning=2, Street Drama=3, Others.....	Political Leader/Elite person	Ensuring dispute resolution in VC=1, To identify and punish those who act in the way of dispute resolution=2, To cooperate the process of justice=3, To suggest other people to go to VC= 4, Others.....	Advocate/Lawyer	To give suggestion about the possible litigations to be resolved by VC=1, Others.....	Higher Court/ Police	To shift minor litigation in VC by Higher Courts=1, To shift minor case in VC by <i>Thana</i> =2, Others	Others (UNO, Court, DC, LGED Ministry (Specify).....	
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Higher Court/ Police	To shift minor litigation in VC by Higher Courts=1, To shift minor case in VC by <i>Thana</i> =2, Others																		
Others (UNO, Court, DC, LGED Ministry (Specify).....																			

DCI 2 A: FGD at Community Level (Male)

Participants Identification:

Sl.#	Name	Age	Education (Highest Class attended)	Primary Occupation	Ever went to Village Court: Yes=1; No=2
1.					1 2
2.					1 2
3.					1 2
4.					1 2
5.					1 2
6.					1 2
7.					1 2
8.					1 2
9.					1 2
10.					1 2
11					1 2
12					1 2

District/ত	Upazila	UP	Village	Hamlet
Moderator's Name		Note-Taker's Name:		
Date	Time		Place	

FGD Guideline

In order to know about a particular issue it is necessary to conduct a Focus Group Discussion (FGD) with people related to that particular topic. For example, to understand issues related to agriculture FGD is required with people related to agriculture, for an understanding of health issues FGD with people related to healthcare, etc.

Objective/

- To gain full understanding of the topic of discussion (since all the participants are directly related to the topic, the discussion becomes lively and it gives practical outcomes.
- To understand past experiences and making future planning in this regard.

Method

1. Firstly, the number and identification of those who are familiar with the topic and able to participate in the discussion have to be completed. (Select around 10-12 people, the selection should be a mix of male individuals from the village/UP who ever went to Village Court for disposal of any dispute and who did not but might require to go anytime.)
2. The discussion topic, expected time and duration of discussion and the venue have to be decided in discussion with the expected participants.
3. All preparatory measures required at the venue have to be taken prior to the discussion.
4. FGD team members will only play the role of facilitators while the discussion is on.
5. All participants will have to be given equal opportunity to express their opinions and the issues raised and opinions expressed will have to be written down.
6. Any decision (s) or opinion (s) has to be reviewed prior to finalizing so that any new opinion could be included even at the end.

Prior Preparation

1. Determining the topic of discussion and its objectives
2. Preparing set of questions for proper facilitation of the discussion.
3. Arranging stationeries and other items required during the discussion.
4. Deciding on the participants, venue and time of the discussion.
5. Distribution of responsibilities among the team members, such as, discussant(s), facilitators, note-taker, and a coordinator for overall supervision.

The DOs

- a. Making every participant understand the topic and objective(s) before the discussion starts.
- b. Creating a healthy, amiable and positive environment for discussion
- c. Creating such an environment that every participant gets the opportunity to express their opinion.
- d. In case the discussion gets dropped at any stage, the facilitator(s) should steer the discussion and put again it on the right track
- e. In case of any debate in the discussion, an opportunity should be created for the participants to resolve the matter among themselves, and no intervention should be made except for any unavoidable reason.
- f. If a new issue creeps into the discussion, it should not be instantly resisted. In case the discussion goes on in a different track for a long time, it should be steered back to the right track.

The DON'Ts

- a) Predetermining the timeframe for discussion
- b) Prohibiting the participants from having an appropriate conclusion/closure to the discussion
- c) Supporting or nullifying any particular opinion
- d) Creating interruption in between a discussion
- e) Creating confusion or misunderstanding asking multiple questions together
- f) Conversing to someone during the discussion in such a way that it interrupts the flow of discussion.

Issues of Discussion at FGD

1. We are social being. We live in the society together, share all our pains and pleasures to each other. Based on all else' cooperation this society is formed. People living in the village are much more intimate to each other than the people in the towns. As the intimacy is high, there are many interactions as well. Interactions sometimes create undesired disputes also. Such disputes could take place between two neighbors, individuals of the same village, individuals of two different villages and even between members of the same family. Let us discuss the common disputes that take place in our day-to-day life.
 - i. Types of disputes
 - ii. Matters of disputes, and reasons
 - iii. Extent
2. Where there is a dispute, there is a way to reach a resolution. Depending on the extent of the dispute there are places for us to seek justice or resolution. Let us discuss the places/persons people in this locality go for justice or resolution in general if they are victims of any dispute.
 - i. Note the options relevant for silly disputes to severe ones
 - ii. Note who goes where (i.e., whether places vary depending on the individual's socioeconomic status, etc)
 - iii. Also discuss who prefer what and why. Discuss and note the factors that motivate/hinder in choosing the options
3. In the rural areas, *Shalish* is an option for dispute resolution where many of you might have gone. Another way is Village Court. Let us discuss both of the options regarding their procedural and other matters.
 - i. Trend of going to *Shalish*: types of disputes and individual
 - ii. Trend of going to Village Court: types of disputes and individual
 - iii. Trend of going to the Police and Court: types of disputes and individual
 - iv. Procedure and duration
 - v. Motivating factors (discussion, advice)
4. Discuss the comparative advantage and disadvantage of the three options in dispute resolution
 - i. Which one is good/not good for what type of dispute and why
 - ii. Which one is better for what class of individual
 - iii. Which one is more pro-poor, which one is not, why

5. Although all individuals are equal before law, in practice there are discriminations among them in the society. Therefore practicing rights also differ. Let us discuss how an individual's (victim of any dispute) demand for justice could be hampered due to his poor socioeconomic status. Site example from your society. (Please also add women's situation in the discussion.)
6. As many of you know there is a court in the UP named Village Court where one could go for mitigation of certain disputes. Let us discuss your knowledge, idea and other issues related to Village Court.
 - i. Who could go there, for what dispute
 - ii. What is the procedure
7. It is not that all individuals go to the Village Court for dispute mitigation (although going there is sometimes much better than the other means). Some, people chose other means, some chose nothing and some cannot chose anything. Let us discuss the barriers to go to Village Court for dispute mitigation.
 - i. Lack of adequate information
 - ii. Poor socioeconomic background
 - iii. Family/Social taboo, Conservativeness
 - iv. Pressure from the kin, hamlet/village leaders
 - v. Influence by neighbors/other villagers
8. Some of you have been to the Village Court for dispute mitigation. Please discuss your experience.
 - i. What was/were the disputes, with whom (opponents' background)
 - ii. How you decide to go to the Court, discussed with whom, who inspired
 - iii. Whether thought about other options as well or not, if anyone influenced to chose other options
 - iv. The procedure: hearing, what happened, what time took
 - v. Remark about Court's judgment (satisfaction/dissatisfaction), reason
9. To what extent the disputes taking place in this area is *resolved* in the Village Court? If the extent is low/negligible, note reasons. How Village Court can be made more functional?

Please thank the participants for their valuable time and cooperation

DCI 2 B: FGD at Community Level (Female)

Participants Identification

Sl. #	Name	Age	Education (Highest Class attended)	Primary Occupation	Ever went to Village Court: Yes=1; No=2
1.					1 2
2.					1 2
3.					1 2
4.					1 2
5.					1 2
6.					1 2
7.					1 2
8.					1 2
9.					1 2
10.					1 2
11.					1 2
12.					1 2
District		Upazila	UP	Village	Hamlet
Moderator's Name			Note-Taker's Name:		
Date		Time		Place	

FGD Guideline

In order to know about a particular issue it is necessary to conduct a Focus Group Discussion (FGD) with people related to that particular topic. For example, to understand issues related to agriculture FGD is required with people related to agriculture, for an understanding of health issues FGD with people related to healthcare, etc.

Objective

- To gain full understanding of the topic of discussion (since all the participants are directly related to the topic, the discussion becomes lively and it gives practical outcomes.
- To understand past experiences and making future planning in this regard.

Method

7. Firstly, the number and identification of those who are familiar with the topic and able to participate in the discussion have to be completed. (Select around 10-12 people, the selection should be a mix of male individuals from the village/UP who ever went to Village Court for disposal of any dispute and who did not but might require to go anytime.)
8. The discussion topic, expected time and duration of discussion and the venue have to be decided in discussion with the expected participants.
9. All preparatory measures required at the venue have to be taken prior to the discussion.
10. FGD team members will only play the role of facilitators while the discussion is on.
11. All participants will have to be given equal opportunity to express their opinions and the issues raised and opinions expressed will have to be written down.
12. Any decision (s) or opinion (s) has to be reviewed prior to finalizing so that any new opinion could be included even at the end.

Prior Preparation

6. Determining the topic of discussion and its objectives
7. Preparing set of questions for proper facilitation of the discussion.
8. Arranging stationeries and other items required during the discussion.
9. Deciding on the participants, venue and time of the discussion.
10. Distribution of responsibilities among the team members, such as, discussant(s), facilitators, note-taker, and a coordinator for overall supervision.

The DOs

- g. Making every participant understand the topic and objective(s) before the discussion starts.
- h. Creating a healthy, amiable and positive environment for discussion
- i. Creating such an environment that every participant gets the opportunity to express their opinion.
- j. In case the discussion gets dropped at any stage, the facilitator(s) should steer the discussion and put again it on the right track
- k. In case of any debate in the discussion, an opportunity should be created for the participants to resolve the matter among themselves, and no intervention should be made except for any unavoidable reason.
- l. If a new issue creeps into the discussion, it should not be instantly resisted. In case the discussion goes on in a different track for a long time, it should be steered back to the right track.

The DON'Ts

- g) Predetermining the timeframe for discussion
- h) Prohibiting the participants from having an appropriate conclusion/closure to the discussion
- i) Supporting or nullifying any particular opinion
- j) Creating interruption in between a discussion
- k) Creating confusion or misunderstanding asking multiple questions together
- l) Conversing to someone during the discussion in such a way that it interrupts the flow of discussion.

Issues of Discussion at FGD

10. We are social being. We live in the society together, share all our pains and pleasures to each other. Based on all else' cooperation this society is formed. People living in the village are much more intimate to each other than the people in the towns. As the intimacy is high, there are many interactions as well. Interactions sometimes create undesired disputes also. Such disputes could take place between two neighbors, individuals of the same village, individuals of two different villages and even between members of the same family. Let us discuss the common disputes that take place in our day-to-day life.
 - i. Types of disputes
 - ii. Matters of disputes, and reasons
 - iii. Extent
11. Where there is a dispute, there is a way to reach a resolution. Depending on the extent of the dispute there are places for us to seek justice or resolution. Let us discuss the places/persons people in this locality go for justice or resolution in general if they are victims of any dispute.
 - i. Note the options relevant for silly disputes to severe ones
 - ii. Note who goes where (i.e., whether places vary depending on the individual's socioeconomic status, etc)
 - iii. Also discuss who prefer what and why. Discuss and note the factors that motivate/hinder in choosing the options
12. In the rural areas, *Shalish* is an option for dispute resolution where many of you might have gone. Another way is Village Court. Let us discuss both of the options regarding their procedural and other matters.
 - vi. Trend of going to *Shalish*: types of disputes and individual
 - vii. Trend of going to Village Court: types of disputes and individual
 - viii. Trend of going to the Police and Court: types of disputes and individual
 - ix. Procedure and duration
 - x. Motivating factors (discussion, advice)
13. Discuss the comparative advantage and disadvantage of the three options in dispute mitigation
 - iv. Which one is good/not good for what type of dispute and why?
 - v. Which one is better for what class of individual?
 - vi. Which one is more pro-poor, which one is not, why?
 - vii. Which one is more women-friendly, why?
14. Although all individuals are equal before law, in practice there are discriminations among them in the society. Therefore practicing rights also differ. Let us discuss how an individual's (victim of any dispute) demand

for justice could be hampered due to his poor socioeconomic status. Site example from your society. (Please also add women's situation in the discussion.)

15. As many of you know there is a court in the UP named Village Court where one could go for mitigation of certain disputes. Let us discuss your knowledge, idea and other issues related to Village Court.
 - i. Who could go there, for what dispute
 - ii. What is the procedure
16. It is not that all individuals go to the Village Court for dispute mitigation (although going there is sometimes much better than the other means). Some, people chose other means, some chose nothing and some cannot chose anything. Let us discuss the barriers to go to Village Court for dispute mitigation.
 - i. Lack of adequate information
 - ii. Poor socioeconomic background
 - iii. Family/Social taboo, Conservativeness
 - iv. Pressure from the kin, hamlet/village leaders
 - v. Influence by neighbors/other villagers
17. Some of you have been to the Village Court for dispute mitigation. Please discuss your experience.
 - i. What was/were the disputes, with whom (opponents' background)
 - ii. How you decide to go to the Court, discussed with whom, who inspired
 - iii. Whether thought about other options as well or not, if anyone influenced to chose other options
 - iv. The procedure: hearing, what happened, what time took
 - v. Remark about Court's judgment (satisfaction/dissatisfaction), reason
18. To what extent the disputes taking place in this area is *resolved* in the Village Court? If the extent is low/negligible, note reasons. How Village Court can be made more functional?

Please thank the participants for their valuable time and cooperation

DCI-3: KII CHECKLIST

1. Do you constitute VCs regularly in your UP? If yes how (procedures and practice)/ if no why?
2. How many VCs have constituted in the year of 2009-2010 of your UP? (If constituted)
3. To what extent criminal offences and civil dispute in your locality?
4. Does the community prefer formal VC? If yes/ not, why? Why do the sufferers go for VCs?
5. Do you think, the judicial officers (members and elites) are enough aware and have enough skills to conduct the VCs smoothly? If yes/no, Why? What should be done (specific recommendations)?
6. What are the specific social barriers to seek justice in VCs especially for women? (Lack of awareness, conflict of interest, influence of social power structure, influence of village politics, influence of brokers, husband controlling, influence of social taboos etc.)
7. Can the VCs procedures ensure the gender equality (access and court process) among the rural poor women?
8. What are the difficulties and the scope of judgment a pro poor VC for the rural women in existing system?
9. To what extent VCs ensure the satisfaction of both the parties?
10. How does VC ensure services after the decision in terms of achieving outcomes?
11. What differences claimants find between *Shalish* and VC and why?
12. How does local power structure influence VCs process? (Please explain)
13. Can *Shalish* be introduced in VCs? If not/ Please describe, if yes, why and how?
14. How does VC contribute in ensuring social justice for the rural poor and poor women in your locality?

Opinion:

15. What is specific opinion about the limitations and prospects of Village courts? Please provide your specific judgment/views.
16. What is opinion about which one is effective in your locality (*Shalish* and VCs) and why?

DCI-4: TRACER STUDY INTERVIEW SCHEDULE

INSTRUCTION TO THE INTERVIEWER

1. The permission of respondent has been sought;
2. The respondent has been informed that his/her identity will be kept confidential;
3. The objectives of the study have been explained

A	Name of the Respondent:
B	Name of Father/Husband
C	Age
D	Sex: Male=1, Female=2
E	Village
F	Union
G	Upazila
H	District: Barguna = 01, Pirojpur = 02, Chuadanga = 03, Rangpur = 04, Nilphamari = 05, Patuakhali = 06, Faridpur = 07, Moulvibazar = 08, Cox's Bazar = 09
I	Contact Cell Number (If any)

Name and Signature of the Interviewer, Supervisor and QCO

	Interviewer	Supervisor	Q.C.O
Name:			
Signature:			
Date:			
Start time:	End time:		

100. a	Were you involved in any dispute (that has been dissolved) in last three years? Yes = 1, No= 2 (If no, please terminate the interview right here)
b	Where was the dispute(s) dissolved? Local <i>Shalish</i> =1, Village Court=2, Police Station=3, Formal Court=4, Others=5
101	Types of Disputes: Dispute relating to money lending/borrowing on interest= 1, Land property lease in/out or mortgage = 2, Selling/purchasing of land=3, Forged document of land=4, Demarcation of land=5, Land occupation=6, Obstruction in harvesting crop=7, Looting/plundering/ destruction of property=8, Obstruction in shopping/ business=9, Family conflict=10, Fight/quarrel=11, Violence against woman=12, Dowry=13, Physical assault=14, Theft=15, Dacoity /robbery=16, Extortion=17, Eve teasing to female=18, Threat=19, Murder case=20, Political harassment=21, Obstruction in religious practices=22, Obstruction in casting vote in election=23, Distribution of property=24, Dispute related to record of land= 25, Divorce/marriage without guardians consent=26, Others (Specify).....

102	<p>Why did not you go to Village Court? (Applicable for only those who did not go to VC for dispute resolution) Not aware about VC=1, VC is not functional at the UP=2, Some relatives/neighbours influenced to go to <i>Shalish</i>=3, Some relatives/neighbours influenced to go to Police station/Court=4, Local influential people influenced to go to <i>Shalish</i>=5, Local influential people influenced to go to Police station/Court=6, Local leader(s) influenced to go to <i>Shalish</i>=7, Local leader(s) influenced to go to Police station/Court=8, Local religious leaders influenced to go to <i>Shalish</i>=9, Local religious leaders influenced to go to Police station/Court=10, Leader(s) of the ruling party influenced to go to <i>Shalish</i>=11, Local leader(s) of the ruling party influenced to go to Police station/Court=12, Local leader(s) of the opposition party influenced to go to <i>Shalish</i>=13, Local leader(s) of the opposition party influenced to go to Police station/Court=14, Some UP members influenced to go to <i>Shalish</i>=15, Some UP members influenced to go to Police station/Court=16, UP Chairman influenced to go to <i>Shalish</i>=17, UP Chairman influenced to go to Police station/Court=18, As I am poor, UP chairman and members will not pay attention to me=19, UP Chairman and members do not pay attention to complaints by the women=20, UP Chairman and members are not skilled/capable enough to dissolve disputes=21, UP chairman and members are corrupt=22, As we did not vote for the UP chairman in the last election, he will not pay attention to our dispute=23, Others (Please specify).....</p>
103	<p>Why did you go to the Police station/Court, although you agreed to the decision taken at <i>Shalish</i>? My opponent did not agree to the decision, so I had to went to Police station/Court=1, Some juries in the <i>Shalish</i> were corrupt=2, The <i>Shalish</i> was biased=3, The <i>Shalish</i> juries did not show justice to me as I was poor=4, As I am a poor/powerless woman, the <i>Shalish</i> juries did not show justice to me=5, Others (Please specify).....</p>
104	<p>Why did you go to the Police station/Court, although you took part in the <i>Shalish</i> procedure? The decision of the <i>Shalish</i> was biased=1, Some relatives/neighbours influenced to go to Police station/Court=2, Local influential people influenced to go to Police station/Court= 3, Local leader(s) influenced to go to Police station/Court= 4, Local religious leaders influenced to go to Police station/Court= 5, Local leader(s) of the ruling party influenced to go to Police station/Court= 6, Local leader(s) of the opposition party influenced to go to Police station/Court= 7, UP Chairman and members are not skilled/capable enough to dissolve disputes= 8, UP chairman and members are corrupt= 9, Some UP members influenced to go to Police station/Court= 10, UP Chairman influenced to go to Police station/Court = 11, As we did not vote for the UP chairman in the last election, he did not dissolve our dispute= 12, The UP chairman did not pay attention to my complaints as I don't support his party (he does not know me)=13, The UP Chairman and members did not show justice to me as I was poor= 14, As I am a poor/powerless woman, the UP chairman and members did not show justice to me = 16, My opponent did not agree to the decision taken at VC, so I had to went to Police station/Court = 17, Others (Please specify).....</p>
105	<p>What are the limitations of the Village Court according to the people whose disputes were dissolved at the VC? The decisions taken at the VC are not implemented/enacted=1, The VC is sometimes biased=2, People are not fully/adequately aware of the VC= 3, Many UP members are not adequately trained for the purpose=4, The VC is influenced by local politics and social stratification= 5, The relationship between the UP chairmen and members is not satisfactory=6, Others (Please specify).....</p>
106	<p>To what extent VC is acceptable to the villagers? How do they evaluate the system?</p>
107	<p>What, according to you, is/are essential to make VC more functional?</p>

DCI 5: Case-Study Checklist for Households Visiting Village Court as Petitioner or Respondent

Identification

Case Study No.			
Name of Respondent			
Respondent's Type	Petitioner /Respondent		
Father's Name			
Address	Village	Upazila	
	Union	District	
Name of Field Enumerator			
Field Supervisor			
Date			

Case particulars

Case #					
Information of Petitioner			Information of Respondent		
Respondent:	Sex:	Age:	Name:	Sex:	Age:
Occupation:	Religion:		Occupation:	Religion:	
Address	Village:	Upazila:	Address	Village:	Upazila:
	Union:	District:		Union:	District:

Instructions for the Field Enumerator:

- ✓ Identify the ideal cases for this purpose from the households selected for survey (DCI-1). The case studies would be conducted on households that visited Village Courts either as petitioner or as respondent. The UP keeps records of the cases resolved under the VC in prescribed forms. Therefore, the Union Parishad would also be a good source of information on such households.
- ✓ Explain the respondent about the objective of the study and this case study. Assure him about the secrecy of the information he is going to provide during the visit.
- ✓ Note down the detail of the dispute and its resolution/remedy process the respondent went through. In taking the detail note keep the following clues in mind:

Respondent's Background Information:

- Identification: Name, address, religion etc
- Socioeconomic: Occupation, land-assets, household members, connection with the power structure

The Dispute Issue

- The subject matter:
- With whom (socioeconomic background of the opponent)
- Over what, exactly what was the issue, its monetary price (if applicable), how it started
- The extent

Steps for settlement/remedy/resolution

What steps taken at the beginning

- Who decided the step?
- Who advised/consultation with whom: voluntary or interest involved
- What means was available for him/her
- Whether s/he tried the other means: negotiation between the parties, *Shalish*, etc. If tried, what was the result?

The Dispute at the Village Court

- How he knew about Village Court?
- Who influenced/helped him about village court?
- Did anybody advise him not to go to the Village Court? If ‘yes’, why? What was their interest?
- How was the decision at the Village Court? (In his favor/disfavor)
- His experience with the Court (satisfied/dissatisfied)
- Whether the matter was completely dissolved at the Village Court or not? If not, then how it was dissolved finally? How is the present relationship with the Respondent/Petitioner?

Please thank the respondent for his valuable time and cooperation

Annex E: Summary of Case Studies

Methodological Note: In line with the finalized methodology, the field team contacted the secretaries of respective UPs and collected the names and addresses of one of the parties of cases that the Village Court has disposed. In reality, the field team found three types of situations: (i) UPs where the Village Courts are currently active (including dispose complains as per existing Village Court Rule), (ii) UPs where Village Courts are somehow active (either do not follow the Rule or maintain the documentation or both), and (iii) UPs where Village Courts are currently not functioning but functioned earlier with technical supports from legal-aid NGOs. The accompanying 22 case studies provide ample evidence on the classification of village court provided above. In those cases where case number is not mentioned, it is to be noted that those UPs are found not following the rule maintaining the registers appropriately.

Case Summary-1

Case #-05/09					
Information of Petitioner			Information of Respondent		
Respondent: Champa Begum	Sex: Female	Age: 35 yrs.	Name: Nizamuddin	Sex: Male	Age: 45 yrs.
Occupation: Housewife	Religion: Islam		Occupation: Farmer	Religion:	
Address	Village: Kojjuri	Upazila: Sadar	Address	Village: Kojjuri	Upazila: Sadar
	Union: Kojjuri	District: Faridpur		Union: Kojjuri	District: Faridpur

The respondent is a poor villager with three members in the household. She has 5 decimals of land. She has no connection with the power structure of the locality.

The subject-matter of the dispute is the demarcation of a sold land. In the year of 2009 the respondent sold 2 decimals of land situated in the west side of the land of the petitioner. But at the time of taking possession the petitioner demanded the west side of the land instead which is contrary to the sale deed. Initially, the respondent tried to solve the matter through negotiation. But the petitioner refused to negotiate and filed a petition before UP Chairman for Village Court.

After hearing both the parties and examining the submitted documents, the VC gave decision favour of the respondent. The petitioner was compelled to take possession in east side of the land. The matter ended finally and both the parties are in good relation now.

Researcher's Opinion: The VC has been properly served the purpose to the contesting parties. Both the parties were satisfied with the decision of the VC.

Case Summary-2

Case #-Nil					
Information of Petitioner			Information of Respondent		
Respondent: Md. Manik Prodhan		Sex: Male	Age: 50 yrs.	Name: Nirmal Sen	
Occupation: Day-laborer		Religion: Islam		Sex: Male	
Age: 40 yrs.		Name: Nirmal Sen		Occupation: Broker (Business)	
Religion: Hindu		Occupation: Broker (Business)		Religion: Hindu	
Address	Village: Shathbari	Upazila: Mithapukur		Address	Village: Khamar Horipur
	Union: Durgapur	District: Rangpur			Union: Durgapur
District: Rangpur		District: Rangpur		District: Rangpur	

The petitioner is a day-laborer lives in a village with 5 household members including him. Except his house property he has no other asset. He cultivates 60 bighas of land under mortgage.

The respondent, a rural broker, lives in the nearest Upazila of that of the petitioner. In the locality he is known as greedy, covetous and cunning person.

Petitioner's father lent Tk. 1,00,000 to the respondent by way of stamp in presence of witnesses. The respondent promised to repay the money with interest. After death of the petitioner's father respondent started procrastinating in repaying the money with interest. The petitioner recovered Tk. 70,000 from the respondent by way of Salish through several efforts. Conflict arose when petitioner demanded the rest of the money (i.e., Tk. 30,000). After several clashes and Salish, finding no other way petitioner went to the UP Chairman. The Chairman suggested him to file a written complaint before the Village Court. On lodging the complaint a Village Court was formed. After hearing both the parties Village Court ordered the respondent to pay Tk. 35,000/ (Tk.30,000+5,000 interest) to the petitioner instantly. The respondent instantly paid Tk. 20,000 to the petitioner and after two months paid Tk. 10,000. He did not pay Tk. 5,000 of interest. The decision of the VC was not complied and the Village Court never took initiative to recover the rest pending amount. As a result the petitioner was not satisfied with the Village Court.

Researcher's Opinion: Though the basic amount TK.30, 000 was recovered by Village Court intervention but it is found that the Village Court had no jurisdiction to deal with a matter above Tk. 25000. On the other hand, the VC could not do anything to retrieve the remaining amount.

Case Summary-3

Case #-Nil					
Information of Petitioner			Information of Respondent		
Respondent: Md. Mokhlesul Haq Hawladar		Sex: Male	Age: 47 yrs.	Name: Md. Rafiq Khan	
Occupation: Farmer		Religion: Islam		Sex: Male	
Age: 38 yrs.		Name: Md. Rafiq Khan		Occupation: Farmer	
Religion: Islam		Occupation: Farmer		Religion: Islam	
Address	Village: Mahishdanga	Upazila: Amtoli		Address	Village: Mahishdanga
	Union: Amtoli	District: Borguna			Union: Amtoli
District: Borguna		District: Borguna		District: Borguna	

The petitioner is a well-off farmer having 600 decimals of land. His household members are 4 in number including him.

The subject-matter of dispute is an agricultural land obtained by inheritance. The value of the suit property is tk.45,000. At the end of the year 2008 when the petitioner went to cultivate the suit land the respondent protested by demanding his ownership over the land. Then both the parties engulfed in conflict and decided to settle through Salish. In Salish no decision was concluded and the petitioner went to the Union Parishad Chairman to form a Village Court. The Chairman found the matter was out of VC jurisdiction so he suggested the petitioner

to go to the concerned police station.

The petitioner felt aggrieved being refused by the Chairman and went to the District Court. However, at last, the decision of the Court was not in his favour. As a result the relation between the petitioner and respondent still is not friendly.

Researcher's Opinion: The Chairman of the Union Parishad denied to form VC as the matter was beyond his jurisdiction. As a result the petitioner had to go to the District Court where he suffered a lot, in addition to the money spent for the case. If the jurisdiction of the VC permitted the Chairman, he might have the opportunity to resolve the problem within his community. So from this case study it seems that the *jurisdiction of VC needs to be increased.*

Case Summary-4

Case #-02/10					
Information of Respondent			Information of Petitioner		
Respondent: Babul Mia	Sex: Male	Age: 32 yrs.	Name: Milan Miah	Sex: Male	Age: 45 yrs.
Occupation: Farmer	Religion: Islam		Occupation: Petty Business	Religion: Islam	
Address	Village: Aoi	Upazila: Srimangal	Address	Village: Aoi	Upazila: Srimangal
	Union: Vunveer	District: Moulavibazar		Union: Vunveer	District: Moulavibazar

The respondents and the petitioners are neighbors living in the same village. The subject matter of dispute was paddy field of petitioner destroyed by household birds of respondents. Immediately after the occurrence both parties engaged in clash. On that night the respondents went to a local UP Member to settle the matter by Salish. The member assured the respondents that the matter will be solved amicably. But the petitioners being advised by a local powerful person instead of Salish went to the local police station and filed a General Diary (G.D) where he stated that he and other his family members were physically hurt by the respondents. The concerned police officer without proper investigation filed a case in the Court of Judicial Magistrate on the basis of G.D. and submitted charge sheet. After that the Judicial Magistrates referred the case to the UP Chairman to form a village Court Village for trial. Subsequently the Village Court was formed but the matter is still pending for trial.

Researchers' Opinion: The respondents instead of demanding Salish could demand for Village Court. The UP member could also advise him to do so. It seems that lack of awareness he could not avail the option of village court option. From this case it reveals that village court system should be introduced to the community people and their awareness to this regard also requires developing.

Case Summary-5

Case #-58/08					
Information of Petitioner			Information of Respondent		
Respondent: Naeb Ali	Sex: Male	Age: 48 yrs.	Name: Nahid Mollah	Sex: Male	Age: 30 yrs.
Occupation: Farmer	Religion: Islam		Occupation: Farmer	Religion: Islam	
Address	Village: Gandho Khali	Upazila: Madhukhali	Address	Village: Gandho Khali	Upazila: Madhukhali
	Union: Kamarkhali	District: Faridpur		Union: Kamarkhali	District: Faridpur

Petitioner is a poor farmer living in rural area with seven household members. He owns 8 bighas of land. Among these 8 bighas 3 bighas are in his khas possession and 5 bighas are out of his possession. He has no connection or relation with the locally influential persons or elites.

The subject matter of dispute is to obtain possession over 5 bighas land which values Tk. 5,00,000 (Five lacs only). The respondent also lives in the same village. He is a powerful person in the village and financially rich. The petitioner bought the land from the respondent without possession 17 years ago. Since then the petitioner has

been requesting the respondent for delivery of possession but failed. Having no other alternative the petitioner bound to seek remedy in Village Court without any advice from any sources. Two years passed after the petitioner had filed the case in the Village Court but no step has yet been taken by the Court. He is very aggrieved. Now their relation is worst.

Researchers' Opinion: According to the Village Court Act and rules the matter is beyond the jurisdiction of the village court. On the other hand if any case is accepted by the Chairman for village court then he can't linger any dispute for two years. From this case it is clear that neither the petitioner nor the UP Chairman have clear idea about village court.

Case Summary-6

Case #-12/10					
Information of Petitioner			Information of Respondent		
Respondent: Md. Nurul Haq		Sex: Male	Age: 32yrs	Name: Md. Mustakin	
Occupation: Day laborer		Religion: Islam		Sex: Male	
Address		Upazila: Sadar		Age: 40 yrs.	
Village: Lakshmichap		District: Neelphamari		Occupation: Farmer	
Union: Lakshmichap				Religion: Islam	
Address		Upazila: Sadar		Village: Lakshmichap	
				Upazila: Sadar	
				Union: Lakshmichap	
				District: Neelphamari	

The petitioner is of 32 years age, lives in Lakshmichap, Neelphamari district. The size of family is of 4 members. He is a day laborer and has no land property. The respondent, a neighbor of petitioner, is a usurer by profession. The dispute arose of loan money as to a sum of Tk.1000 with 10% simple interest per month lent by the respondent to the petitioner.

One day when the petitioner tried to recover possession of his bales of jute detained by the respondent in security of his loan. A conflict took place combined with the consequential injuries to the petitioner by the respondent. The matter was taken to arbitration but no result achieved. One of his neighbors motivated petitioner to proceed to Thana. But due to his financial inability and persuasion by the arbitrators, he took the matter to the village court. The village court following all the legal requirements and sold the said bales of jute and satisfied the respondent's claim there from and gave the rest to the petitioner. The Court also fined the respondent Tk.500 for causing injury to the petitioner. The petitioner accepted the decision with dissatisfaction.

Researchers' Opinion: The dispute with criminal element (simple hurt) was resolved by the village court.

Case Summary-7

Case #-Nil					
Information of Petitioner			Information of Respondent		
Respondent: Md. Faruk Mia		Sex: Male	Age: 24yrs	Name: Rozina Begum	
Occupation: Farmer		Religion: Islam		Sex: Female	
Address		Upazila: Mithapukur		Age: 20 yrs.	
Upazila: Sadar		District: Rangpur		Occupation: Service (Garments worker)	
District: Rangpur				Religion: Islam	
				Village: Mahindra	
				Upazila: Sadar	
				Union: Tapat	
				District: Rangpur	

One petitioner (age24) being farmer by profession and inhabitant of village Mahindra, Tapat, Rangpur lives with a family of six members. He is the owner of 72 decimals of land. The respondent is his wife.

The issue of dispute was non-adjustment with husband. The respondent always quarrels and misbehaves with her husband and her family members provoked the dispute after two or three years of their marriage. In the meantime the respondent gave birth to a child. During the dispute period, the respondent moved to her father's house without her husband's permission. Initially, the neighbors tried to solve the dispute, but failed. Then the matter sent for arbitration and again no progress. Finding no other alternatives, with the advices of the village elders, they brought the matter to Village Court. The Chairman of the Village Court settled the matter in a way to adjust their family life. Both the parties became happy with the decision and lived together for fifteen days. After fifteen days they again fall into conflict resulting into their permanent separation.

Researchers' Opinion: Though the village court settled the matter but it was not within the jurisdiction of it. It was a clear family case was to be dealt by the Family Court. This proves that the UP Chairman is not aware of his power and ignorant to the Village Court regulations.

Case Summary-8

Case #-01/08					
Information of Respondent			Information of Petitioner		
Respondent: Md. Milan		Sex: Male	Age : Around 40 yrs	Name: Md Geleamar	
Occupation: Business		Religion: Islam		Occupation: Farmer	
Address	Village: Rajapur	Upazila: Sadar		Address	Village: Monirampur
	Union: Alokdia	District: Chuadanga			Union: Alokdia

The respondent, a petty gold-businessman, has sufficient moveable and immovable property to lead simple life with his wife and two children. The respondent has no connection with the power structure of locality. On the other hand, petitioner's socio-economic condition is same as the respondent. The petitioner is the supporter of a political party.

The petitioner offered to sell a gold button to the respondent. The petitioner gave it to the respondent as the respondent wanted to see it. According to the respondent, he returned the button to the petitioner after examining but there was no receipt document was exchanged. However, the petitioner did not admit receipt of the button. One day the petitioner demanded the gold button from the respondent. As a result both the parties engaged in a clash. Being aggrieved the petitioner went to the Village Court to get justice when the respondent proposed for Salish. But the dispute was solved by the Village Court. The petitioner demanded taka 10,000 as the value of his asset and the Chairman of the Village Court decided it at taka 6,000 and ordered the respondent to pay the sum instantly. The respondent paid the sum to the petitioner. Although the decision of the VC was against the respondent, he obeyed the decision as all the witnesses were against him and he was found guilty. As a result the respondent had to regret his wrongdoing and obeyed the decision of VC. Now both the parties are in good relation with each other.

Researchers' Opinion: This case shows a proper settlement of a petty typical dispute in the Village Court.

Case Summary-9

Case #-04/04					
Information of Petitioner			Information of Respondent		
Respondent: Md. Mozammel Haq		Sex: Male	Age: 55 yrs.	Name: Habibur Rahman	
Occupation: Business		Religion: Islam		Occupation: Farmer	
Address	Village: Buripukur	Upazila: Chokoria		Address	Village: Buripukur
	Union: Chiringa	District: Cox's Bazar			Union: Chiringa

The petitioner (55yrs) owning 360 decimals of land living with a family of six members in Chokoria, Cox's Bazar He was a shrimp trader. The respondent was a shepherd. The dispute arose as to the sale and buy of an ox. The petitioner, according to the terms of oral contract, paid Tk.10,000 (ten thousand only) to the respondent as the price of an ox, but the respondent didn't hand over the ox. After one year of frequent demanding of handover the petitioner tried to solve the matter by negotiations with the assistance of neighbors. But he failed. Then he took the matter to the Village Court. The VC decided the matter in favour to the petitioner and ordered the respondent to hand over the said ox to the petitioner. The respondent complied with the VC decision.

Researchers' Opinion: The VC acted with its jurisdiction and efficiently resolved the dispute.

Case Summary-10

Case #-Nil					
Information of Petitioner			Information of Respondent		
Respondent: Md. Hasim Uddin		Sex: Male	Age: 69 yrs	Name: Zahedul Islam	
Occupation: Day laborer		Religion: Islam		Sex: Male	
Occupation: Day laborer		Religion: Islam		Age: 35 yrs.	
Address	Village: Kamarpukur	Upazila: Syedpur		Address	Village: Asurkhai
	Union: No.1 Kamarpukur	District: Neelphamari			Union: Kamarpukur

The petitioner is a day-laborer having eight members family living in Kamarpur of Syedpur Upazila of Neelphamari district. A cow being only asset of the petitioner was the subject matter of dispute. The respondent was a brick field worker. The cause of action arose when the respondent refused to pay back the borrowed amount of Tk.17500 (seventeen thousand five hundred only) earned by the petitioner by selling the cow. The petitioner took the dispute to village arbitration but without any result. Being failed in arbitration, the village headmen persuaded him to proceed to Village Court. Accordingly the Village Court was formed following all legal formalities. After hearing both the parties the Village Court decided the case in favour of the petitioner and ordered the respondent to pay back the claimed amount. It was immediately executed by payment of Tk. 175,000 to the petitioner by the respondent.

Researcher`s Opinion: After examining all the provisions of Village Court Act and Village Court Rules we opine that in the above mentioned case the decision of the Village Court was in compliance with all the legal requirements. It indicates that the Chairman and Members of the concerned Union Parishad are conscious about Village Court. So it proves that when the concerned VC Chairman and other members are conscious about their power and responsibility the access to justice is possible.

Case Summary-11

Case #-47/10					
Information of Petitioner			Information of Respondent		
Respondent: Md. Mustafa Kazi		Sex: Male	Age: About 50 yrs.	Name: Alo Zamaddar	
Occupation: Mason		Religion: Islam		Sex: Male	
Occupation: Mason		Religion: Islam		Age: 45 yrs.	
Address	Village: Badura	Upazila: Pirojpur Sadar		Address	Village: Badura
	Union: Shankarpasha	District: Pirojpur			Union: Shankarpasha

The petitioner owning 6 bighas of land living in Badura of Shankarpasha Union of Pirojpur Sadar was a mason. The respondent was a habitual thief. The respondent was caught red handed while stealing date juice and was fined Tk.1200. Thereafter, being revengeful on the petitioner, the respondent along with his disciples attacked the petitioner with sticks resulting grievous hurt. The petitioner was hospitalized incurring an expenditure of Tk.15000. Afterward the petitioner tried to solve the matter through arbitration. But the local elites did not pay heed to the dispute. Then the petitioner took the matter to the police station. Two years had passed and then the parties went back to arbitration. The arbitration with involvement of the UP representatives awarded the petitioner Tk.3000 to be paid by the respondent. Thus the dispute was resolved amicably.

Researcher`s Opinion: The above said offence being punishable under the Penal Code, 1860 and it was within the jurisdiction of Village Court. But the matter was solved through mutual understanding by arbitration. This shows the tendency of the villagers to solve even grave offences by arbitration by passing VC.

Case Summary-12

Case #-13/08					
Information of Petitioner			Information of Respondent		
Respondent: Ms. Rizia Begum		Sex: Female	Age: Around yrs.	Name: Kobed Ali	
Respondent: Ms. Rizia Begum		Sex: Female		Sex: Male	
Respondent: Ms. Rizia Begum		Age: Around yrs.		Age: 55 yrs.	

Occupation: Housewife		Religion: Islam		Occupation: Farmer		Religion: Islam	
Address	Village: Nawapara	Upazila: Pangsha		Address	Village: Nawbarpara	Upazila: Pangsha	
	Union: Maspara	District: Rajbari			Union: Maspara	District: Rajbari	

The petitioner living with her three children in Nawapara of Rajbari was a destitute widow. She owned 35 decimals of homestead land and 6 *pakhis* of agricultural land. On the other hand, the respondent was an extremely poor neighbor of the petitioner. The subject matter of dispute was 22 decimals of land worth about Tk.70,000 which the respondent fraudulently took possession after the marriage of the petitioner. The petitioner was surprised when the respondent obstructed her in plough the land claiming his title. Being consulted with a legal aid worker, the petitioner took the dispute to the VC. In the meantime the respondent sold the same to a third party for Tk.17000 without petitioners knowledge. The VC, complying with all the legal procedures and after examining all the relevant documents, discovering petitioner's sole ownership on the disputed land and ordered the respondent to return the possession of the same to the petitioner and fined him Tk.5000. The respondent asked the third party to return the land for Tk.17000 which he refused demanding higher price. However with the VC intervention the third party was bound to give back the same to the respondent. Then the respondent handed over the land to the petitioner. Thus the dispute met a sweet end.

Researcher's Opinion: According to the Village Court Act and Rules the VC has the pecuniary jurisdiction up to Tk.25000. But in this case the land valued is Tk.70000 which is beyond the jurisdiction of the VC. Though the dispute is resolved with VC intervention but it proves unawareness in discharging their duties. To make them aware of their duties training and sensitization programs are required to conduct.

Case Summary-13

Case #- 164/07					
Information of Petitioner			Information of Respondent		
Respondent: Shobjan Bibi		Sex: Female	Age:70 yrs	Name: Nazrul Islam	
Occupation: Housewife		Religion: Islam		Sex: Male	
Occupation: Business		Religion: Islam		Age: 30 yrs.	
Address	Village: Pagulia	Upazila: Sadar		Address	Village: Pagulia
	Union: Mostafapur	District: Moulovibazar			Union: Mostafapur

The petitioner was living with her son and other family members in village Pagulia of Moulovibazar Sadar Upazila. The respondent was one of her influential neighbors. The dispute arose when the respondent was erecting boundary walls allegedly occupying the street of the petitioner. She informed the local elites of the matter and sought their assistance for arbitration, but the respondent was reluctant to arbitration. One day when the petitioner was removing the bricks kept by the respondent on the street of the petitioner, the respondent's men attacked the petitioner and her daughter-in-law resulting in serious injuries to them. Then the petitioner filed a case in police station against the respondent. Later on the Court remanded the case to Union Parishad for disposal. In the meantime, the petitioner complained the matter to the Military Authority during the emergency period. The army authority also asked the Union Parishad Chairman to dispose the matter impartially. Then the VC after hearing both the parties, ordered the respondent to vacate 1 feet of land occupied from the petitioner's path. The respondent acted accordingly. But the petitioner claimed reimbursement of Tk. 35,000 which she had spent to seek justice from the authority. Unfortunately her demand was unaddressed and she was unhappy.

Researcher's Opinion: Since the dispute was within the jurisdiction of the Village Court so the lower Court rightly remanded the suit to the VC which is very much in accordance with the laws relating to the Village Court. Accordingly the VC has resolved the matter in favour of the petitioner but not to the last as she had huge suffering to get this least justice without getting compensation on expenditure. The jurisdiction of the VC should be enhanced to ensure complete justice as the case demands.

Case Summary-14

Case #-Nil					
Information of Petitioner			Information of Respondent		
Respondent: Md. Abu Toyab		Sex: Male	Age: 40 yrs	Name: Abdus Sukur	
Occupation: Business		Religion: Islam		Sex: Male	
Age: 55 yrs.		Occupation: Farmer		Religion: Islam	
Address	Village: Pashchim Maijguna	Upazila: Chokoria		Address	Village: Pashchim Maijguna
	Union: Sabarbil	District: Cox's Bazar			Union: Sabarbil

The respondent was a well-off businessman living in west Maijguna village of Chokoria Upazila under the district of Cox's Bazar. Leading a family of 6 members, he owned about 480 decimals of land. The petitioner was respondent's paternal uncle. The respondent purchased 20 decimals of land for Tk.350000 from his uncle (the petitioner). Then the petitioner made over only 19 decimals of land to the respondent. Despite repeated requests and demands by the respondent, the petitioner didn't give possession over the rest 1 decimal of land worth Tk.17500 to the respondent. The dispute arose when the respondent forcefully took possession of the said 1 decimal of land. Then the petitioner took the matter to the Chairman of VC. The respondent contested the proceedings. After hearing both the parties, the VC decided the matter in favour of the respondent. The petitioner accepted the decision and handed possession over the said 1 decimal of land to the respondent.

Researcher's Opinion: The suit value being Tk.17500, was within the jurisdiction of VC and the court acted lawfully in cognizing and disposing the dispute. Thus Village Court ensured complete justice to the parties.

Case Summary-15

Case #-Nil					
Information of Petitioner			Information of Respondent		
Respondent: Abul Bashar		Sex: Male	Age: 56 yrs.	Name: Nurun Nesa	
Occupation: Farmer		Religion: Islam		Sex: Female	
Age: 38 yrs.		Occupation: House wife		Religion: Islam	
Address	Village: Kalirchara	Upazila: Sadar		Address	Village: Kalirchara
	Union: Eidgao	District: Cox's Bazar			Union: Eidgao

The petitioner was a poor farmer owning only 10 decimals of land, living in Kalirchara village of Eidgao Union under the district of Cox's Bazar. The respondent belonged to a lower middle class family. She (respondent) was the aunt of the petitioner. The petitioner gave the respondent Tk.240000 (Two Lac Forty Thousand) on promise that she will send his (petitioner) son abroad within two weeks. Two years passed, but the respondent neither kept her promise nor returned the money to the petitioner. Then the petitioner tried to get back the money by negotiations, but the respondent paid no heed to it. Then in consultation with the local members the petitioner moved to VC. The VC after hearing both the parties decided the matter in favour of the petitioner and accordingly the respondent returned the whole amount of Tk. 240000 to the petitioner.

Researcher's Opinion: According to the Village Court Act and Rules VC has pecuniary jurisdiction up to Tk.25000. In this case the value of the dispute was Tk. 240000 which was beyond the jurisdiction of the VC. Though the dispute was resolved by VC intervention but it proves unawareness of the Village Court Chairman and other members. They need to be trained to equip with VC jurisdiction and their power and duties.

Case Summary-16

Case #-08/10					
Information of Petitioner			Information of Respondent		
Respondent: Abdul Majid		Sex: Male	Age: 52 yrs	Name: Md Habi/Sanwar	
Occupation: Poultry trader		Religion: Islam		Sex: Male	
Age: 36 yrs.		Occupation: Farmer		Religion: Islam	
Address	Village: Dingadah	Upazila: Chuadanga Sadar		Address	Village: Manikdih
	Union: Shanker Chandra	District: Chuadanga			Union: Shanker Chandra

The petitioner, father of three children living in Dingadaha of Chuadanga, was a poultry trader as well as a sharecropper. On the other hand, the respondents were day laborers, sharecroppers as well as cattle rarer. The dispute was as to the unauthorized and illegal cutting of paddy from 7/8 decimals of land belonging to petitioner. Then the petitioner went to the village headmen to resolve the dispute. They instead of solving the matter, suggested the petitioner to move to the VC. But the UP Chairman and the respondent belonged to the same political party whereas the petitioner was the supporter of opposite political party. Therefore, when the petitioner applied for VC, the Chairman requested the petitioner to condone the respondent. The petitioner, with dissatisfaction, accepted the decision of the Chairman.

Researcher’s Opinion: The subject matter of dispute seemed to be very much within the jurisdiction of the VC. But, due to political interest, the Chairman did not act in accordance with law. If the VC could have formed the decision might be different. As VC is composed of other UP members representing both the parties, justice is ensured to the parties. This is the very purpose of Village Court system.

Case Summary-17

Case #-16/07					
Information of Petitioner			Information of Respondent		
Respondent: Ms. Baby Khatun		Sex: Female	Age: 36	Name: Ibadat Ali	
Occupation: Petty Business		Religion: Islam		Sex: Male	
Address		Age: 45 yrs.		Occupation: Day Labour	
Village: Matipara		Religion: Islam		Religion: Islam	
Upazila: Sadar		Address		Village: Matipara	
Union: Ramkantapur		District: Rajbari		Upazila: Sadar	
				Union: Ramkantapur	
				District: Rajbari	

The petitioner living with her three sons in village Matipara of Rajbari was a poor fruit-vendor. She has seven decimals of land. On the other hand, the respondent was an extremely poor worker. The dispute arose as to a post of trainee (where allowance was Tk. 700.) in an NGO named DISHA. The respondent’s wife contested with the petitioner for the post. At one point they engaged into fight, resulting in petty injuries to the petitioner. The petitioner lodged a case alleging the respondent for stealing her ear-ring worth Tk. 5000. At the same time, the respondent also lodged another case against the petitioner. In fear of police harassment and with the advice of her brothers, the petitioner wanted to resolve the dispute amicably. Then a local UP member persuaded her to go to VC. The VC was formed complying with all the requirements of law. After hearing the parties the VC decided the case for the petitioner and fined the respondent Tk. 700 to be paid to the petitioner within the fixed time.

Researcher’s Opinion: The subject matter of the case was within the jurisdiction of the VC. However, both of the parties had to spend huge money and time before going to the VC as both of them filed case with the police station. It would be better for both of them if they had gone to the VC at the beginning of the dispute.

Case Summary -18

Case #-117/10					
Information of Petitioner			Information of Respondent		
Respondent: Md. Rafiq Uddin		Sex: Male	Age: 40 yrs.	Name: Kala Mia	
Occupation: Farmer		Religion: Islam		Sex: Male	
Address		Age: 36 yrs.		Occupation: Farmer	
Village: Kowarpara		Religion: Islam		Religion: Islam	
Upazila: Sadar		Address		Village: Kowarpara	
Union: Khurshakul		District: Cox’s Bazar		Upazila: Sadar	
				Union: Khurshakul	
				District: Cox’s Bazar	

The respondent is a poor farmer who lives in village with his family of 8 members belonging to a lower middle class. He owns 60 decimals of land. He has no connection with the power structure of the locality. The subject-matter of dispute is in connection with 10 decimals of land which values about Tk. 1,00,000. The respondent is the paternal cousin of the petitioner. The socio-economic condition of the respondent is same as the petitioner.

The petitioner’s father borrowed Tk. 10,000 from respondent’s father. Later on being unable to repay the money the petitioner’s father transferred his land (disputed) to the respondent’s father but no possession was handed over. After death of the respondent’s father respondent claimed the possession of that land from the petitioner.

Instead of delivering possession petitioner and other interested persons filed an application to Union Parishad for VC claiming their absolute title on the land. Accordingly, the VC was formed. After hearing both the parties and examining respective documents VC gave decision in favour of respondent. Accordingly, the respondent got possession over the land. Now both the parties are in good relation.

Researcher's Opinion: In this case we found that both the parties and the UP Chairman and members were aware of Village Court. The Village Court was formed and it exercised its jurisdiction in accordance with law. Both the contesting parties were satisfied with the decision of the VC and are now maintaining congenial relationship.

Case Summary-19

Case #-Nil					
Information of Petitioner			Information of Respondent		
Respondent: Ms. Asia Begum		Sex: Female	Age: 41 yrs	Name: Md. Rafiqul Chawdhury	
Occupation: Housewife		Religion: Islam		Occupation: Tailoring	
Address	Village: Karpashdanga Vumihinpara	Upazila: Damurhuda		Address	Village: Karpashdanga Bazarpara
	Union: Karpashdanga	District: Chuadanga			Union: Karpashdanga

The petitioner is a poor van-driver living with her husband and four children. Being landless, they lived in khas land. She has no connection with the power structure of the locality.

The respondent is a tailor belonging to a middle class family. He lived in the same village of the petitioner. The petitioner gave Tk. 1, 50,000 to the respondent to send her (petitioner) elder son to Malaysia. After few months respondent took more Tk. 40,000 from the petitioner assuring and confirmed a date for departure. On the fixed date the petitioner's son failed to get on board due to forged Visa. Being aggrieved the petitioner demanded the whole amount back from the respondent and got back Tk. 1, 80,000. The respondent was procrastinating in repaying the rest amount of Tk. 10, 000. So, the subject-matter of dispute was Tk. 10,000. Then the petitioner went to the former Chairman and present member of the concerned Union Parishad. They suggested her to file suit for forming VC. Accordingly the petitioner applied and VC was formed on July 15, 2009. After hearing both the parties the VC ordered the respondent to pay Tk. 6000 to the petitioner and fixed a date for payment. Although at the fixed date the sum was not paid, the petitioner is expecting to get the money from the respondent.

Researcher's Opinion: The subject matter of dispute was within the jurisdiction of the Village Court. The VC formed in accordance with law and after hearing the parties the VC properly decided the dispute. Both the parties were satisfied with the decision of the Village Court.

Case Summary-20

Case #-16/07					
Information of Petitioner			Information of Respondent		
Respondent: Niranjan Dev		Sex: Male	Age: 40 yrs	Name: Akal Mia	
Occupation: Street-hawker		Religion: Hindu		Occupation: Farmer	
Address	Village: Mazhdihi	Upazila: Srimangal		Address	Village: Mazhdihi
	Union: Kalapur	District: Moulavibazar			Union: Kalapur

The petitioner, a landless street-hawker, lives in village. The subject-matter of dispute is 48 decimals of land. The value of suit land is 30 Lac Taka.

The respondent (Age: 70) belongs to Muslim community and lives in the same village. He is a local powerful person and has relation with other power structure of the locality.

In the year 1970, petitioner's father sold 10 decimals of land property to the respondent. In 1972, petitioner's father died leaving 48 decimals land property. After the death of petitioner's father the respondent claimed that petitioner's father sold whole property (48+10 Decimals) to him and in this way he dispossessed the petitioner's elder brother from the property. The petitioner had been residing in India since 1971 and his elder brother after being dispossessed went there. Later on, in the year 2003 the petitioner along with his family came back to

Bangladesh and demanded that 48 decimals of land property from the respondent. But the respondent refused. The petitioner from 2003 to 2007 tried to recover the property from the respondent by the help of the social elites but failed. Finding no other alternative, in 2007 he filed a petition in Union Parishad for forming VC. At the same time he also lodged an application to the Rapid Action Battalion (RAB) for their intervention RAB came to the village Chairman who assured them that the matter will be settled in accordance with law.

However, the VC was formed. After hearing both the parties the VC ordered the respondent to pay Tk. 30,000 to the petitioner. The petitioner was not satisfied with this decision and decided to file a suit before the District Court.

Researcher's Opinion: The whole fact reveals that neither the petitioner nor the Chairman of the UP knows the jurisdiction of the VC. According to the value of the suit it should be filed before the District Judge's Court. Out of the fact of this case it is found that lack of knowledge of UP Chairman and Members is one of the main reasons for malfunctioning of Village Courts in Bangladesh.

Case Summary-21

Case #-178/09					
Information of Petitioner			Information of Respondent		
Respondent: Minu Begum		Sex: Female	Age: 20 yrs	Name: Masur Ahmed	
Occupation: Housewife		Religion: Islam		Sex: Male	
Address		Village: Buddhimantapur		Age: 26 yrs.	
Union: Kanakpur		Upazila: Sadar		Occupation: Farmer	
District: Moulavibazar		Religion: Islam		Address	
		Village: Balikandi		Upazila: Moulavibazar Sadar	
		Union: Chandnigat		District: Moulavibazar	

In the year of 2003 the petitioner got married with the respondent of nearest village. Two months later, the respondent claimed Tk. 10,000 from the petitioner as dowry. The petitioner's family failed to provide such amount of money and the respondent started physical torturing to the petitioner. The petitioner finding no other way went to the powerful persons of the locality for help and they called for Salish. Instead of attending the Salish the respondent drove away the petitioner to her elder brother's house. At that time she (petitioner) was three-months pregnant. Two years later, the respondent got married again violating the Muslim Family Laws Ordinance. After four years of the second marriage of the respondent, the petitioner complained to the concerned Union Parishad demanding her rights on maintenance. On the basis of her petition the Chairman formed VC. After hearing the parties the VC ordered the respondent to leave his second wife and get back to his first wife (petitioner). Although, the respondent instantly agreed with the decision of the VC, but till the date, he didn't comply with the order of the VC and even is not maintaining any communication with the petitioner. Now the aggrieved petitioner is taking preparation to file a suit before the Family Court for her rights.

Researcher's Opinion: It is clear from the case that the UP Chairman has no jurisdiction to deal with family matter. VC chairman and members seemed to be very ignorant about their power. So, it is highly required to train them on their power and jurisdiction of the VC.

Case Summary-22

Case #- 12/07					
Information of Petitioner			Information of Respondent		
Respondent: Raihan Ali		Sex: Male	Age: 45 yrs	Name: Anarul Hoque	
Occupation: Rice trading		Religion: Islam		Sex: Male	
Address		Village: Komarpur		Age: 48 yrs.	
Union: Karpashdanga		Upazila: Damurhuda		Occupation: Farmer	
District: Chuadanga		Religion: Islam		Address	
		Village: Komarpur		Upazila: Damurhuda	
		Union: Karpashdanga		District: Chuadanga	

The petitioner is a rice trader in Karpashdanga Bazar. There are five members in his household. He has 3 bighas of cultivable land.

The 48 years old respondent is a rich man, socially well established person in the same village of petitioner. The respondent took Tk. 7000 from the petitioner about four and half years ago under a promise to deliver his own

land to the petitioner for cultivation. But in the name of transferring the land to the petitioner, the respondent has been procrastinating since receipt of money. Now, he claims that he had not taken any money from the petitioner and as such petitioner is not entitled to any land or money. The petitioner informed the matter to his relatives and seek assistance about they didn't pay heed to it. But they suggested the petitioner to go to Union Parishad and apply for VC. Accordingly, the petitioner filed an application to the Union Parishad Chairman. Accordingly the UP Chairman formed village Court After hearing the parties VC ordered the parties to find any other alternative ways. As a result the petitioner became aggrieved and he believes that the VC did not play proper role as the respondent was powerful. Then the petitioner went to local police camp and filed a complaint. On the basis of the complaint police went to arrest the respondent several times but failed. Thinking about his reputation the respondent tried to mitigate the matter by local elites. At last by a Shalish the matter was solved by payment of Tk. 4,500 by the respondent to the petitioner.

Researcher's Opinion: The subject-matter of the dispute was very much within the jurisdiction of the VC. But the VC did not give any decision due to its partiality to the respondent. On the other hand, the VC cannot make such judgment for other alternatives. It seems that the decision given by the VC was wrong and reveals irresponsibility of the Chairman and other members. So, the laws relating to the VC has to be amendment in the line of confirming responsibilities of the Chairman and other members of the VC.



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Activating Village Courts in Bangladesh Project

Local Government Division

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



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