

the periodic status of the affairs. Therefore, incorporation of village courts progress and performance as a regular agenda in those committee meetings can be considered by the local administration and a directive can go to the local administration from the central level.

♦ **Widening capacity building avenues at institution level:** Well-functioning village courts not only require engagement of UP representatives and panel members but also the Upazila Nirbahi Officer (UNO), Judiciary Officer in the district court, police etc. Therefore, integration of village courts issue into the training institutions of these sections of professionals is important. Initiatives have already been taken under AVCB project for incorporating the village court matters in the training curriculum of the National Institute of Local Government (NILG), Judicial Administration Training Institute (JATI), Bangladesh Civil Services Administration Academy (BCSAA), Police Academy etc. This requires further strengthening.

♦ **Decentralized monitoring for Village Courts with ICT support:** Since the current government is forwarding towards decentralized services and promotion of ICT-based community support therefore, decentralization of village courts monitoring can add further on this endeavor. The LGD is assessing UP service delivery annually at the central level while the local administration at district and upazila level might be more engaged with monitoring responsibility. The AVCB Project is to commission a piloting of decentralized exercise with ICT supports in few UPs, upazilas and districts and the positive lessons can further be replicated in a wider scale within the project areas and outside.



Activating Village Courts in Bangladesh Project

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BRIEF POLICY AGENDA

Bangladesh has a long history of informal dispute resolution mechanisms with a varying degree of procedures: the traditional *shalish*, NGO-reformed *shalish*, panchayet etc. which have been playing a critically important role in maintaining social peace and harmony contributing to establish social justice in the society. Village Court (VC) is the culmination of institutionalization process of *shalish* as it is a unique system of dispensing justice comprising of five members representing both the disputing parties and the chairman of the Union Parishad (UP) as chairman of village court. Thus Village Courts Act, 2006 is considered as the only empowering law of the country which allows people to be on board of a state-sponsored court system. During the British Period formal *shalish* (dispute resolution) was introduced through the Bengal Village Choukidari Act, 1871 (Bengal Act I of 1871) in the name of Panchayet. In 1919 the Union Courts were established through the Bengal Village Self-Government Act, 1919 (Bengal Act V of 1919) which provides for the trial of some petty criminal and civil matters. The Conciliation Courts were established under the Conciliation Courts Ordinance, 1961 with almost similar functions of Union Courts. The Village Courts were established in 1976 under the Village Courts Ordinance, 1976 with a little enhanced criminal and civil jurisdictions and power. In 2006, the Village Courts Act was enacted with one visible major change i.e. enhancement of pecuniary jurisdiction and power of Village Courts to BDT. 25,000.

However, the village courts were not performing well due to various practical shortcomings e.g. inadequate logistics, capacity, awareness, lack of monitoring, lack of prioritization etc. In this backdrop the Local Government Division (LGD) of the Ministry of Local Government, Rural Development & Cooperatives (MoLGRD&C) with the financial assistance of European Union and UNDP has

undertaken a pilot project (2009-2013) covering 350 UPs of 56 upazila of 14 districts in 6 divisions. The project aims to address the prevailing limitations along with attaining lessons learnt which can pave the potentials for countrywide larger intervention. In an effort of facilitating the process of activating the village courts, a number of initiatives have already been taken by the Local Government Division like instructing the UPs for designating one or two specific days per week for village courts session, incorporating village courts in all sorts of capacity building interventions for elected UP representatives, forming Village Courts Management Committee at district and upazila level for strengthening the supervision, setting higher score against village courts functions in annual UP performance parameters etc. However, few more areas need to be attended for ensuring the efficient justice services by village courts. Accordingly, this brief policy agenda is outlined.

◆ **Updating legal framework:** The current legal framework for village courts includes Village Courts Act 2006, Village Courts Rules 1976 and few associated laws. Amendment of the existing legal framework related to village courts (VCs) was a long-felt need for better functioning of the VCs which has already been initiated under the project. Among others, the proposed amendments include the enhancement of pecuniary jurisdiction from BDT. 25,000 to BDT. 50,000; removing the inconsistency of Criminal Code of Procedure; enabling UP to execute the village courts decisions, promotion of women representation in the village courts panel etc. The proposed amendment, once in place, is expected to positively contribute in reducing backlogs of cases in formal courts which is amounted now as around two million as per the latest Law Commission Report. Updating the Rules in conformity with amended law would be an urgent requirement.

◆ **Designated space for Village Court in each UP:** Union Parishads(UPs) all over the country are gradually having well-structured two-storied complex that can house representatives from different line ministries for extending services to the UP. Apart from space for Chairman, Secretary and conference room, the current complex can accommodate staff for Agriculture Extension, Education, Bangladesh Rural Development Board(BRDB), Ansar and Village Development Project, Health and Family Planning etc. Having a separate space for village court would signal a positive change to people boosting their confidence in the performance of the courts. The separate court room may allow *Ejlas* (court bench), case related documents, few furniture etc. giving the VCs a befitting look and environment which has a role to play in boosting people's confidence. LGD has already brought the matter to the policy attention initially for the

project intervention areas which need to be ensured in all UPs across the country.

◆ **Human resource support for Village Courts:** Apart from the one elected Chairman and twelve members, each UP has only one government-appointed staff who is UP secretary for running the office. In the context of increasing workload resulting from the decentralizing process, this UP secretary is heavily burdened with work-load. Appointment of another Assistant Accountant cum Computer Operator as per the Local Government (Union Parishad) Act, 2009 is yet to be completed, the process of which has already begun. During the implementation period of the Activating Village Courts in Bangladesh project, Village Courts Assistant (VCA) have been provided for conducting the VC functions like issuing summons, calling on witnesses, issuing enforcement orders, registering decisions, keeping records of cases, managing cases, collecting court fees etc. This may not be possible for UP secretary again to do the job in future in the absence of the project as he is likely to remain occupied with day-to-day administrative work. Therefore, appointment of a dedicated regular staff for carrying out VC functions can be useful in making the village courts sustainable. This can also be arranged using the UP's own resource.

◆ **Gender sensitive village courts:** Rural poor women and vulnerable groups are the main target audience of the village courts while the women are less exposed and voiced with their demand. Availability of the village courts services will undoubtedly allow their accessibility in local justice services. The women-friendly environment in the court premises is thus very important. Therefore, the UP representatives, VC official including panel members need adequate sensitization with gender-friendly behavior, provision should be made for nominating at least one woman in the panel in cases of women's interest is associated.

◆ **Resource allocation for Village Courts administration:** Efficient case management requires few recurring cost e.g. printing village courts forms and format as per the Rule, transport cost for village police in delivering summons, maintenance of *Ejlas* etc. Therefore, a minimum allocation for administering village courts function can be considered by the government.

◆ **Oversight supervision of the performance of Village Courts:** Law and Order Committees exist both in district and upazila for reviewing