



Activating Village Courts in Bangladesh Phase II Project

Rapid Assessment on

VC performance and KAP of UP Representatives and Community People in Non-project Area



Co-funded by
the European Union

Local Government Division
Ministry of Local Government, Rural Development and Cooperatives
Government of the Peoples' Republic of Bangladesh



1. EXECUTIVE SUMMARY

The Local Government Division (LGD) of the Ministry of Local Government, Rural Development and Cooperatives (MoLGRD&C) is implementing a six year long (2016-2021) project titled “**Activating Village Courts in Bangladesh Phase II**” with financial and technical support of European Union, UNDP and Government of Bangladesh in 1,080 unions of 128 upazilas under 27 districts covering 8 divisions in plain land of Bangladesh. The project will be ended in December 2021. In the meantime, both the government of Bangladesh and donor agencies expressed their interest to implement 3rd phase of this project across the country for excellently success of this project. In this context, considering the extension of the project, the project has planned to conduct a rapid assessment in the non-project area by internal experienced staffs of the project on skill & capacity of Union Parishads (UPs) to activate village courts; knowledge, attitude & perception (KAP) of UP representatives like UP Chairman, UP Secretary on village courts and knowledge & perception of local people about village court. As per plan, this rapid study has been carried out in 16 UPs of 8 upazilas under 4 districts (Manikganj, Munsiganj, Jashore and Kushtia). The districts, upazilas and unions were selected through random sampling. Data collection (document review and individual interview) was carried out between 3 to 14 November, 2021 using checklist and questionnaire. A total of 7 UP Chairmen and 16 UP Secretaries of the selected UPs were interviewed to assess their knowledge, attitude & perception (KAP) and practice about village court (VC). Besides, case files and VC registers were minutely reviewed at UP level to assess quality of documentation of VC procedures. In addition, a total of 84 local people of the selected unions (farmers, service holders, small traders, teachers, village doctors, housewife and so on) were interviewed to assess their knowledge and perception about village court. The major findings are as below:

- A total of 9 UPs (56%) out of 16 have ejlas set up in the UPs. The ejlas were utilized for arranging different meetings of the union parishads rather than operating village court. No signboard on VC was found in the visited UPs.
 - Accountant Assistant-cum-Computer Operators (AACOs) were deployed in 4 UPs of Munsiganj, but not other UPs due to submitting writ petition in the High Court which is not settled yet.
 - The VC registers provided from ‘**Village Courts in Bangladesh Project**’ in 2014 were found available in Bejgaon and Kanaksar UPs of Lauhajang under Munsiganj. All of five VC registers and VC forms were found neat and clean in Bejgaon UP while three VC registers were found in Kanaksar UP. But none of the VC registers was used for VC activities.
 - A total of 200 cases were reported in the visited 16 UPs between January-October 2021 (1.3 case per month/UP) of which 14 cases were referred from district courts. Out of 200 cases, a total of 171 cases (85%) were resolved and 29 cases (15%) were yet to resolve. No case was reported in 4 UPs (Amla, Sinjuri, Balora and Bhaberchar) between January to October 2021. From review, it was found that all cases were resolved through shalish.
 - Only Case register and 3 types of VC forms (Application, Summon and Attendance sheet) were found in 12 UPs (75%). But the documentation of VC procedures was not satisfactory level.
-

- Monthly reporting progress report was found in 6 UPs (38%). In addition, Quarterly Reporting Report under DMIE system (VC form No. 17) were found in 3 UPs (Dhakuria, Sadarpur and Bejgaon).
- The cases were resolved through shalish taking statements of both parties in presence of other UP members and local influential persons of the community;
- All of the cases were received by written paper (application) but necessary papers were not attached with the case files;
- Quality of documentation (VC orders writing, register updating, statements etc.) of VC procedures was not satisfactory level at all. In fact, quality of documentation was somewhat good in 3 UPs (Dhakuria, Sadarpur and Bejgaon) while it was very poor in other 13 UPs (81%) of the visited UPs at all.
- Knowledge of both UP Chairmen and UP Secretaries is very poor and not satisfactory level. However, the knowledge level of UP Secretaries on VC and its functions is somewhat better than UP Chairmen.
- Neither UP Chairman nor UP Secretary could distinguish basic difference between shalish and village court regarding disputes resolution.
- After interview sessions, when they were given a brief description on village court, they have shown very much positive attitude to provide judicial services of village courts to the community people.
- The local people have no knowledge about VC at all. Mainly, they mean shalish as village court. However, after giving a brief description on VC, they showed their positive feelings towards VC to get legal services within a short period and at low cost.
- The UP Secretaries said that monitoring of local administration on VC should be increased to make functional village court.

2. INTRODUCTION

The Local Government Division (LGD) of Bangladesh is implementing **Activating Village Courts in Bangladesh Phase II** with financial and technical support of European Union, UNDP and Government of Bangladesh in 1,080 unions of 128 upazilas under 27 districts in plain land of Bangladesh. The project will be ended in December 2021. In the meantime, both the government of Bangladesh and donor agencies expressed their keen interest to implement 3rd phase of this project across the country for excellently success of this project. Before implementing the project widely, the project has planned to conduct a rapid assessment in the non-project area on skill & capacity of UPs to activate village courts; knowledge, attitude & perception (KAP) of UP representatives like UP Chairman, UP Secretary as well as knowledge & perception of local people about village court. As per plan, this study has been carried out in selected 16 UPs of 8 upazilas under 4 districts (Manikganj, Munsiganj, Jashore and Kushtia) between 3 to 14 November 2021. A total of 7 UP Chairmen and 16 UP Secretaries and 84 local people of the selected unions as well as village court related documents (VC orders writing, register updating, statements writing and preservation etc.) were minutely reviewed at UPs to address the objectives of the assessment.

3. OBJECTIVE OF THE ASSESSMENT

The overall objective of the rapid assessment was to gauge the capacity of UPs and demand of local people for legal services of village court. The specific objectives of this study were as following:

- To collect data on VC performance (case status) of UPs;
- To assess quality of documentation (VC orders writing, register updating, statements writing and preservation etc.) regarding VC procedures;
- To assess capacity of UPs in activating VC properly and providing legal services of VC to the local people;
- To conduct interviews with UP Chairman/ UP Secretary to assess their knowledge, attitude and perception (KAP) on VC;
- To conduct interviews with local people to assess their knowledge & perception about VC and demand for legal services of VC;

4. METHODOLOGY

4.1. Data collection

The Assessment was followed a mixed-method approach combining both quantitative and qualitative methods. For quantitative approach, the assessment was conducted one to one interview using structured questionnaire. The quantitative survey was used to collect data on knowledge, attitude and perception (KAP), experience and justice seeking behaviour of community people at household level were conducted as mentioned below to collect the data to reach the objectives.

a) *Structured questionnaire:* Quantitative data such as number of cases reported, resolved, pending as well as number of ejlas set up, Accountant Assistant-cum-Computer Operators deployed etc. were collected from 16 UPs of Manikganj, Munsiganj, Jashore and Khulna districts using structured questionnaire.

b) *Document review:* Case files and registers were minutely reviewed at 16 UPs of Manikganj, Munsiganj, Jashore and Khulna districts to assess quality of documentation of VC procedures.

c) *Interview session with UP representatives:* A total of 16 separate individual interviews were conducted with 7 UP Chairmen and 16 UP Secretaries to assess their skill, knowledge, attitude and perception about village courts.

d) *Individual Interview:* A total of 84 individual interviews were conducted with local people at community level to assess their knowledge & perception about village courts and demand for legal services of VC.

e) *Questionnaire development:* The questionnaire was developed by the experienced staffs of the project incorporating feedbacks of Project Management Unit including Project Manager (interim). After finalizing the questionnaire, an interview session was arranged among enumerators for coming to a common idea to collect both quantitative qualitative data through conducting interview sessions, individual interviews and document review.

4.2. Assessment areas: The assessment was carried out in 16 selected UPs of 8 upazilas under 4 districts beyond the project area. The assessment area is shown in the Table-1 below.

Table-1: Assessment Area (district, upazila and union)

District	Upazila	Union's Name
Jashore	Chowgacha	Hakimpur & Jagadishpur
	Manirampur	Dhakuria & Haridashkathi
Kushtia	Kumarkhali	Kaya & Nandalalpur
	Mirpur	Amla & Sadarpur
Manikganj	Ghior	Poila & Sinjuri
	Horirampur	Balora & Chala
Munsiganj	Gajaria	Bhaberchar & Imampur
	Lauhajang	Bejgaon & Kanaksar

5. LIMITATION OF ASSESSMENT

The rapid assessment has been carried out in only 16 UPs where individual interviews were conducted with 16 UP representatives and individual interviews were conducted with only 84 local people due to want of manpower and urgency. The findings of this assessment can't exactly represent the scenario from both demand (household) and supply (service providers) sides of across the country. On the other hand, village court was not found functional in the selected UPs and that is why; both the UP representatives and local people have very minimum knowledge on VC. As they have minimum knowledge about village court, they couldn't help giving important or potential comments and recommendations about village court.

6. FINDINGS OF THE ASSESSMENT

6.1. Union Parishads (UPs)

From observation and individual interviews, it was found that a total of 9 UPs (56%) out of 16 have ejlas set up in the UPs. The ejlas was provided by the Local Government Division LGD). The ejlas was utilized for arranging different meetings of the union parishads, rather than operating village court.

Accountant Assistant-cum-Computer Operators (AACOs) were deployed in 4 UPs of Munsiganj. The AACOs informed that they have not received any training on VC yet. So, they have very minimum knowledge about village court, and they can't assist UP Chairman to operate village court following VC procedures. No AACO was deployed in other UPs due to submitting writ petition in the High Court which is not settled yet. However, no signboard or poster of village court was found in the visited 16 UPs.

The VC registers provided from ‘**Village Courts in Bangladesh project**’ in 2014 were found available in Bejgaon and Kanaksar UPs of Lauhajang under Munsiganj. All of the five VC registers and VC forms were found neat and clean in Bejgaon while three VC registers were found in Kanaksar UP. But none of the VC register was used for VC activities.

It was found in all of the visited UPs that applications were submitted using white paper by the applicants. Summon and attendance sheets were found attached with the applications. The Case Register and Decree and Order Register were found in 11 UPs (69%). All of the forms and registers were developed by the UP Secretaries as per suggestions of the concern UNO.

Monthly reporting format was found in 6 UPs (38%). In addition, Quarterly Reporting format under DMIE system (VC form No. 17) were found in 3 UPs (Dhakuria, Bejgaon and Kanaksar).

6.2. Village Courts performance between January-October 2021

Case statistic data received from the visited 16 UPs shows that in a total, 200 cases (1.3 case per month/UP) were reported between January-October 2021 of which 14 cases were referred from district courts. Out of 200 cases, a total of 171 cases (85%) were resolved and 29 cases (15%) were yet to resolve. Highest number of cases (54 case) were reported in Dhakuria UP while no case was reported in 4 UPs (Amla, Sinjuri, Balora and Bhaberchar) between January to October 2021 while one to ten cases were recorded in the case register in Kaya, Sadarpur, Poila, Chala, Imampur and Kanaksar UPs during that period (Table-2). From review, it was found that all cases were resolved through shalish.

Table-2: Case status (Jan-October 2021)

District	Upazila	Union's Name	# of reported case	# of referred cases	# of resolved cases	# of Pending case
Jashore	Chowgacha	Hakimpur	40	2	38	2
		Jagadishpur	16	0	14	2
	Manirampur	Dhakuria	54	0	49	5
		Haridashkathi	13	3	11	2
Kushtia	Kumarkhali	Kaya	10	5	6	4
		Nandalalpur	27	3	24	3
	Mirpur	Amla	0	0	0	0
		Sadarpur	6	0	5	1
Manikganj	Ghior	Poila	2	0	1	1
		Sinjuri	0	0	0	0
	Horirampur	Balora	0	0	0	0
		Chala	3	0	0	3
Munsiganj	Gajaria	Bhaberchar	0	0	0	0
		Imampur	1	1	0	1
	Lauhajang	Bejgaon	25	0	20	5
		Kanaksar	3	0	3	0
Grand Total			200	14	171	29

6.3. Quality of documentation

It was assessed quality of documentation of VC procedures. From review of documents (case files, register and reports), it was found that the quality of documentation of VC procedures was very poor which is not satisfactory level at all. From review case files and registers, it was found that application, notice and attendance sheet were attached with the case files in 12 UPs (75%). Additionally orders sheets (written orders partially) were attached with case files in 5 UPs (31%) (Sadarpur and Nandalalpur UPs of Kushtia, Bejgaon UP of Munsiganj, Hakimpur and Dhakuria UPs of Jashore) out of that 12 UPs. No other VC form like nominee form, panel member nominating form, agreement form etc. was found attached with case file in the visited UPs.

It was found only Case register in 12 UPs (75%). From review Case Register, it was found that the date of case filing, name of applicants and defendants were written in the case register. But the documentation of VC procedures was not satisfactory level. No other information like name of panel members, name of VC Chairman, summary of disputes, date of resolution etc. was not found in the case register. In none of the visited UPs, fees receipt was found attached with application. No other register (e.g. Order & Decree Register, Compensation Realization Register, Fees Register, Letter disbursement Register) was found in the UPs. On the other hand, no case file was found in 4 UPs (25%).

Reporting system was also reviewed in the UPs. It was found that monthly progress reports were prepared using UP pad and preserved in 6 UPs (38%). The reports were prepared by UP Secretaries as per suggestion of the concern UNO. Ashraful Haque, Secretary of Sadarpur Union of Kushtia said that they prepare monthly progress report and send to UNO but reported case was often shown zero (0) because maximum cases were solved through shalish by UP Chairman with other UP members and elite persons of the community. However, Quarterly Progress Report was prepared using VC form No. 17 in 3 UPs (Dhakuria, Sadarpur and Bejgaon). Mst. Tania Islam, Secretary of Bejgaon union of Munsiganj said that she prepare both monthly and quarterly progress report and send to upazila.”

Reviewing case files and registers, the mission team came to the point that all of the cases received by written paper properly but resolved the cases through shalish and the quality of documentation of VC procedures was not satisfactory level at all. In fact, quality of documentation was somewhat good in 3 UPs (Dhakuria, Sadarpur and Bejgaon) while it was very poor in other 13 UPs of the visited UPs at all.

6.4. Types of disputes are generally occurred in the community

The assessment figured out that the nature and type of conflicts occurred between community people are almost similar. The common disputes in visited 16 unions are following:

- Land related conflict (land forcibly occupied by other);
 - Fighting (altercation and fighting is occurred between the neighbors);
 - Crops damaged by domestic animal/Cattle intrusion;
-

- Theft of domestic animal, utilities and electronic equipment (mobile phone);
- Destroying/cutting trees by neighbors;
- Threat powerful people;
- Cheating (financially);
- Realizable amount of money (due amount);
- Violence against women;
- Family feuds (Divorce, maintenance, dowry, polygamy);
- Drug addiction;
- Other (Child marriage, fraudulent love).

The disputes generally take place between two neighbors, 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 money and resources are loosed.

6.5 Knowledge, attitude and perception (KAP) of UP Chair and UP Secretary about VC

A total of 23 individual interviews were conducted with 7 UP Chairmen (Jagadishpur, Dhakuria, Haridashkathi, Nandalalpur, Balora, Chala and Kanaksar UP) and 16 UP Secretaries to assess their knowledge, attitude and perception (KAP) of UP Chairmen and UP Secretaries about VC.

During interview, they informed that they resolved all types of disputes regardless jurisdiction of village court at union parishads through shalish rather than village court. They receive the cases by written application, send notice to the defendants and applicants through UP's pad to be present at UP on a certain day. When the applicants and defendants would be present at union parishads, then the UP Chairmen resolve the cases through hearing statements of both parties in presence of other UP members and elite persons of the community. They don't take fees for VC case. Even maximum of them don't know about the amount of fees of civil case and criminal case except 2 UP Secretaries. Firstly, they claimed that they resolve the cases following VC Act and Rules partially. But when they were asked to say the process of case resolution, they couldn't say it properly. When the process of VC procedures was stated briefly, then they confessed that they don't operate village court, rather they solved the cases through shalish. They informed that they have not received any training on village court and that is why; they have very minimum knowledge about village court like members of VC but not procedures of VC formation, methods of case resolution (Rule-31, pre-trial and hearing) through VC, legal value of VC's verdict etc. Only one UP Secretary of Hakimpur told that he received basic training at National Institution of Local Government (NILG), Dhaka a long days ago where one session was on VC that was forgotten. Neither UP Chairman nor UP Secretary could distinguish basic difference between shalish and village court. From interviews, it was found that the knowledge of both UP Chairmen and UP Secretaries is very poor and not satisfactory level. However, the knowledge level of UP Secretaries is somewhat better than UP Chairmen.

After interview sessions, when they were given a brief description on village court, then they have shown very much positive attitude to provide judicial services of village courts to the community people. They ensured that if they will be provided training on VC, dedicated staff, VC forms &

registers and other logistic supports, they will resolve the cases under VC's jurisdiction through village courts.

7. CAUSES FOR NOT OPERATION OF VILLAGE COURT

It was figured out the root causes for not operation of Village Court at UPs. Both UP Chairmen and UP Secretaries stated that they couldn't operate village court due to following causes:

- Lack of dedicated manpower
- Lack of sufficient skill and knowledge on VC;
- Unavailability of prescribed forms and registers according to VC rule in UPs;
- Didn't received training on VC;
- Lack of awareness of community people;
- Lack of monitoring from local administration.

In addition, the UP Chairmen mentioned that the community people don't want to maintain VC procedures for a long time, rather they want to solve the problems instantly. Besides, some community people specially defendants don't want to give statement standing on the witness dock. Md. Manower Hossain, Chairman, Balora of Manikganj told that the community people requested him not to ask to give statements standing on the witness dock, because they think that then their social image was impeded. Some UP Chairmen claimed that they can't resolve the cases because maximum cases were land related which financial value was out of the jurisdiction of VC. On the other hand, UP Secretaries mentioned that lack of willingness of UP Chairman, lack of monitoring from local administration, want of accountability to operate VC and submit report regularly etc. for not functional of VC. The monitoring of local administration on VC should be increased as well to make functional village court.

8. NECESSARY SUPPORTS FOR RUNNING VC

During interview session, the UP Chairmen and UP Secretaries were asked to mention about necessary supports to run the VC smoothly. Their requirements are almost same. Their requirements are as following for running VC smoothly:

- One dedicated staff or at least AACO is vital need to run VC;
 - Ejlas;
 - Separate Room for Ejlas;
 - Necessary VC forms and registers;
 - Adequate training (knowledge & capacity development);
 - Awareness raising program;
 - Financial support (staff- TK. 15000, sending summon- TK. 3000, entertainment- TK. 5000 and logistic supports -TK. 2000).
-

9. PROFILE OF COMMUNITY PEOPLE INTERVIEWED INDIVIDUALLY

A total of 84 local people (Male-61, Female- 23) were interviewed individually at community level to assess their knowledge and perception about village court. The people were selected from teacher, village doctor, small traders, farmer, housewife, religious leader and so on as knowledgeable people of the community.

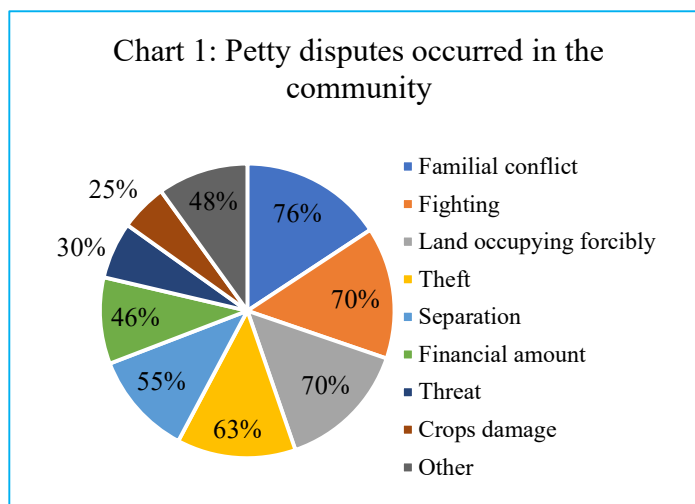
Table-3: Profile of community people interviewed

Location			Occupation						
District	Upazila	Union	Farmer/ Day labor	Housewife	Service holder	Small Trader	School- Teacher	UP Member	Village Doctor
Jashore	Chougaa	Hakimpur			1	1	2		
		Jagadishpur	3	1		2			
	Manirampur	Dhakuria	4	1	2	1	1		
		Haridashkathi					1		
Kushtia	Kumarkhali	Kaya	1	2	5	4		1	
	Mirpur	Amla	2	1	1	3			
		Sadarpur	2	1		2			
Manikganj	Ghior	Poila				3			2
		Sinjuri	2	1		2	1		
	Horirampur	Chala			1	2	5		
Munsiganj	Gajaria	Bhaberchar			2	3	1		1
		Imampur						3	
	Lauhajang	Bejgaon	1		1		1		
		Kanaksar	1		1	3	2		
Grand Total			16	7	14	26	14	4	3

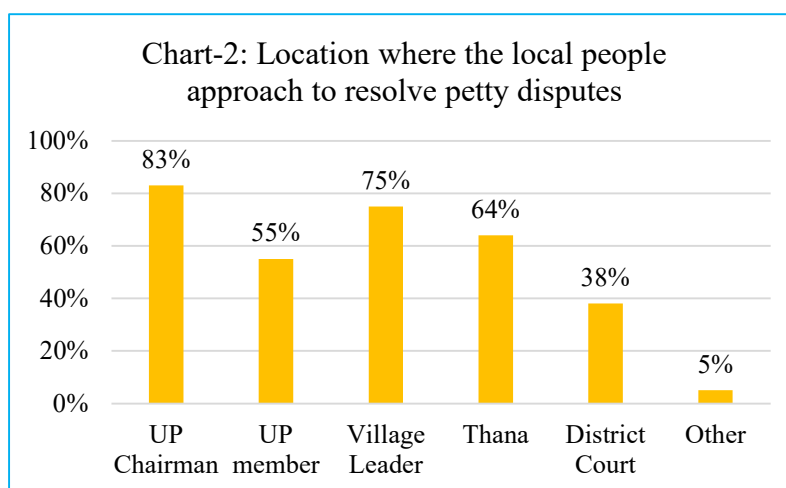
From table-3, it was found that a total of 84 local people (16 farmers, 7 housewife, 14 service holders, 26 small traders, 14 School-teachers, 4 UP members and 3 village doctors) were interviewed to assess their knowledge and perception about VC. On the other hand, among the interviewed people, 16 people are literature up to class five, 26 people are under matriculation, 13 people are non-graduate, 11 people are graduate and 18 postgraduates.

9. KNOWLEDGE AND PERCEPTION OF LOCAL PEOPLE ON VC

During interview, firstly the local people were asked about the petty disputes occurred in the community. Their answers were almost same about the petty disputes occurred in the community level. In accordance with the findings as per multiple-choice questions, 76% interviewees mentioned familial conflicts and followed by fighting without bleeding (70%), forcibly land occupying (70%), theft (63%), separation (55%), realizable financial amount (46%), threat (30%), crops damage by domestic animals (25%) and other disputes like dowry, child marriage, addicted to drag, second marriage, political issue etc. (48%). Please see the pie chart No.1.



Secondly, they were asked about the location where they approach to resolve the disputes. Their answers also were almost same about the location where the local people approach for resolution petty disputes. In the multiple-choice questions, highest 83% interviewees mentioned UP Chairman (83%) and followed by UP member (55%), village leader (shalish) (75%), thana (64%), district court (38%) and other like



UNO, Upazila Chairman, beat police and so on (5%). It is noticed that none of the local people mentioned about village court in this regard. Because, they have no idea about village court at all. Please see the bar chart No.2.

Thirdly, they were asked whether they have any knowledge about village court or not. In the response of this question, 92% local people answered that they had never heard the name of village court while only 8% interviewees answered that they had heard the name of village court. In response of the following supplementary questions, they informed that they heard the name of village court through television and from relatives. They said only about the members of the village court, but not about process on VC formation or any other process. After completion of the interview, the team came to the point that the knowledge of local people was tremendously poor about village court. Mainly, they mean shalish as village court.

At the end of the interview, the interviewees were given a brief description about village court including members of the village court, process of village court formation, legal services and legal value of the village court, jurisdiction of village court, time and money required averagely etc. After listening the above, they said that the village court is very potential for them to get legal services within a short time and at minimum cost where the poor specially the poor women can nominate panel members as their wish and give their statements without hesitation. They added that if village court will be activated in their areas, they would be very happy as they would be relief from petty disputes quickly and wouldn't be harassed by the influential persons of the community.

11. CONCLUSION AND RECOMMENDATION

The Village Court has legality with spirit of dispute resolution mechanism. Additionally, it can resolve disputes within a short period at minimal cost. Moreover, it has opened the way to get access to legal services for the poor specially the poor women. But neither the UP representatives nor community people have knowledge about village court. So, both the UP representatives and local people should be made aware about benefits of legal services of village court through providing capacity development training and organizing awareness raising programs at community level and provide VC forms & registers and other logistic supports to the UPs in order to activate village court properly. However, after giving a brief description about VC, the UP representatives and community people understood the legality and other benefits of VC and showed positive attitude for implementing village court. Some recommendations are as following to activate VC across the country.

- Provide manpower in assisting UP Chairman to run VC following VC Act and rules and to document all VC procedures properly.
 - Increase financial jurisdiction (up to 3 lac taka) considering the current context and asset price at local level;
 - Provide separate room for ejlas to operate VC only;
 - Provide VC forms & registers and necessary furniture as per requirement;
 - Provide capacity development training to UP representatives, UP Secretaries, AACOs and potential VC panel members of the community;
 - Provide VC operation guideline, VC Act 2006 and VC Rules;
 - Motivate UP Chairmen to run VC following VC Act and Rules rather than shalish;
 - Increase monitoring from local administration e.g. UNO and DDLG;
 - Make UP representatives accountable to run VC following VC Act & Rules and submit progress report regularly;
 - Issue letter to thana for not to receive complaints under jurisdiction of VC.
 - Organize awareness raising programs to make local people aware about VC and its legal services
-