

Activating Village Courts in Bangladesh

MID-TERM REVIEW

‘The Case of the Two Ducks in a Paddy Field and other matters’

Jahan/Stapleton

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Acronyms

AC	Arbitration Council
AVCB	Activating Village Courts in Bangladesh project
CBO	Community Based Organisation
CJMC	Chief Judicial Magistrates Court
CLS	Community Legal Services
DC	Deputy Commissioner
DDLG	Deputy Director Local Government
DFID	Department for International Development (UK)
DVCMC	District Village Court Management Committees
EU	European Union
FW	Field Workers
GIZ	Gesellschaft Internationale Zusammenarbeit
LGD	Local Government Division
MoLGRDC	Ministry of Local Government and Rural Development and Cooperatives
MTR	Mid-Term Review team
NILG	National Institute for Local Government
PMT	Project Management Unit
PNGO	Partner Non-Governmental Organisation
PPP	Public Private Partnership
ROM	Results Oriented Management
UICS	Union Information and Communication Services
UNDP	United Nations Development Programme
UNGA	UN General Assembly
UNO	Upazila Nirbahi Officer
UP	Union Parishad
Upz	Upazilla
USAID	US Agency for International Development
VC	Village Court
VCA	Village Court Assistant
VCMC	Village Court Management Committees

I. Executive Summary

Introduction

This Mid-Term Review of the AVCB appears to take place in the last year of the project (which started in January 2009 and is due to end in December 2013). However after a series of delays (outside the control of the project management team), the project started in earnest in 2011. There is favourable consideration currently being given to a no-cost extension to December 2014. This chronology (set out in detail below) restores the status of this review that took place between 27 January-3 March 2013 to that of ‘mid-term’.

Background and context of the project

In 2005, the EU undertook an in-depth study of the criminal justice system in the country¹ and decided to take forward one of the principal recommendations of the study, namely to activate the Village Courts established by the Village Courts Act 1976. In 2006, Government passed a new Village Court Act and negotiations with the EU started to activate the VCs. Initially 500 out of 4,500 UPs were selected by LGD, which was then reduced to 350 UPs.

The EU study recognized that, for years, the poor have been ‘priced out’ of the justice system.² The problems of access to justice in the state courts had become a ‘daunting task for the poor’ and the ‘legal complexities, cost, delayed justice, corruption, too much emphasis on the normative aspect of law have caused the poor to rely heavily on the informal sector.’³ However, the informal sector has proved no panacea where ‘bias, corruption, change in rural social structure, which is resulting in declining status of authority and power of the shalishkars, are depriving the poor from getting justice.’⁴

The project took the form of a public private partnership between the state and civil society groups and drew heavily on the work initiated in 2002 by the Madaripur Legal Aid Association.

Key Findings

The AVCB has succeeded in activating 338 of 350 Village Courts. It shows promising indications of being a highly effective model for scaling up across the country and establishing an international best practice model that could be applied in other jurisdictions. The MTR team met with universal enthusiasm for the project from court users to court administrators and local government officials.

The AVCB has gained acceptance both with the government and the community. The legal structure is simple. The courts are local (most are within a 3km radius of people’s

¹Activating the criminal justice system in Bangladesh, Balenger et al, EU, 2005.

²UNDP, ‘Human Security in Bangladesh: In search of Justice and Dignity’, 2002

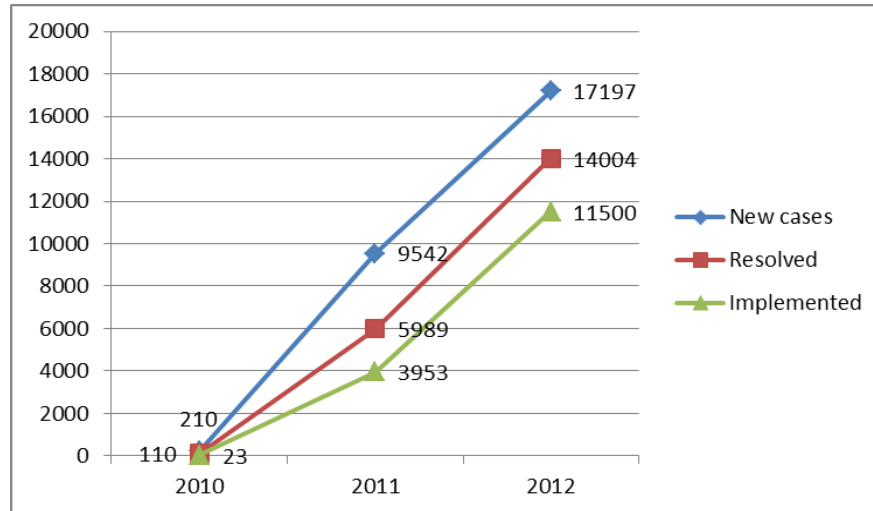
³Jahan, 2007

⁴Id

homes). Income is no bar to accessing the courts. The enforcement rate is high because of the restorative nature of the proceedings and relatively low compensation awards made.

Cases are processed speedily, lasting between 23-28 days from filing of petition to judgment. Filing fees are very low and transaction costs (such as transport costs or survey fees) are deemed affordable.

The numbers of cases between 2010-2012 show a steep rise.

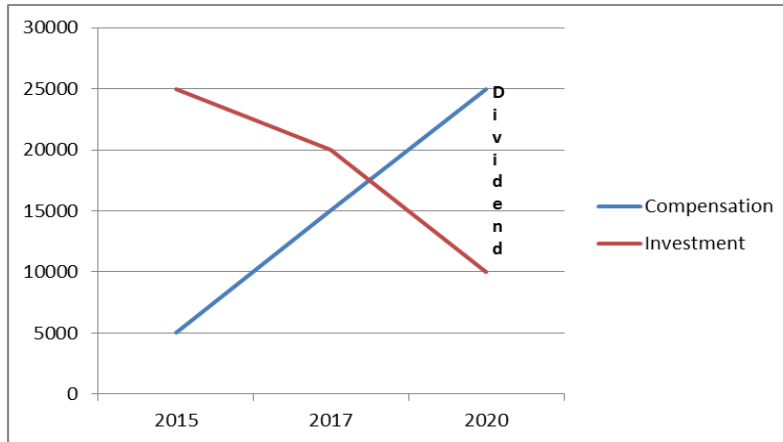


The amount paid to petitioners by way of compensation has similarly risen from \$166,375 to \$528,930 in 2012. The average payments per case are just under BDT3,000. The income range of the average petitioner is between BDT5,000 –10,000. On average 30% of petitioners are women.

Aside from the direct benefits accruing to petitioners, the project has conferred significant societal benefits on local communities, including: enhanced social harmony, closer relations between the UP and community, perceptions that crime has reduced, a neutral forum for resolving disputes according to law.

The MTR estimate activation costs to be \$7,000 (covering a 12 month period) per VC. This comes down to \$3,000 in terms of running costs (once operational). Assuming government make available BDT Cr 70-80 (or \$10 million) in the next FY this would allow GoB to maintain 1500 VCs (at a total cost for the year of approximately \$4.5 million).

The period 2013-2014 should allow the project to forecast expenditure and compensation in a new phase (2015-2020). An indicative graph by way of illustration is set out below:



The VC is showing signs of being a model of legal empowerment: ‘Local knowledge and local justice are more effective. We don’t need lawyers, police and even in some cases the UP chair! As a community, we can solve our own disputes.’⁵ It provides a simple legal framework people can understand, occupies the lowest rung of the formal justice system, is worth the cost and time to bring about a favourable and lawful outcome and shows poor petitioners that lawful recourse is available and responsive where before there was nothing. The costs to government appear to be affordable.

There remain challenges, however. Firstly, while government engagement with the programme has grown (supported by the issue of GOs, attendance by the Prime Minister at a conference on VCs in 2012 and follow-up by UNOs and DCs), evidence of firm commitment is still pending.

The Finance Ministry needs to be assisted in seeing the delivery of basic justice services, such as the VCs, less as a cost and more as an investment in a public good. The allocation of BDT Cr 70-80 in the next financial year would provide a clear signal of government intent. The pecuniary cap of BDT 25,000 is cited by all stakeholders as a major impediment in resolving land and livestock disputes and may explain why 77% of cases determined by the VC are criminal in nature (when land disputes are widely accepted to be the principal cause of action). The tabling of the proposed amendments (as approved by Cabinet) would further signal the priority government places on the activation of VCs.

Secondly, the 12 UPs in Pirojpur and Sylhet have not performed well as they have lacked the supporting services provided by PNGOs elsewhere. This needs to be addressed to ensure the VCs are activated on a standardized footing. At the same time, where VCs are functioning well, there is a sense that they are under-used and the ‘space’ could be used in the UP Complex to establish a *hub* of legal services.

Thirdly, the real impact on the justice system is probably negligible however the perception by the judiciary in the project areas is that *but for* the VCs the caseload would increase. The project needs to co-ordinate with all justice service providers (especially

⁵ MTR, Chittagong meetings

the police and superior courts) to ensure early screening/diversion of cases to the VC and establish its place in the justice system (and not only in local government) as the first tier of formal resolution.

Finally, in view of the momentum gained by the project attributable to the ‘excellent’⁶ programme management and positive interest expressed by LGD in a second phase scaling up to 1000-1500 new VCs, emphasis needs to move in this next period to developing a fully costed model that covers the activation and running costs of the VCs to inform planning for a second phase in 2015-2020.

Recommendations

In furtherance of the above, the following recommendations are advanced:

- **Recommendation 1:** Extend the project for one year to December 2014 as a no-cost extension.
- **Recommendation 2:** Re-orient the 12 UPs in Pirojpur and Sylhet by contracting with a PNGO(s) to hire the required human resources and carry out the training required.
- **Recommendation 3:** Develop a flexible model for national scale up in a future second phase.
- **Recommendation 4:** Pilot a legal services ‘hub’ in several high achieving UP complexes.

As concerns programme design:

- **Recommendation 5:** revise the project logframe for the period 2013-2014.
- **Recommendation 6:** standardize training (in consultation with PNGOs and national training institutes).

As concerns legal reform:

- **Recommendation 7:** In limiting civil jurisdiction, insert specific BDT values in *secondary* legislation (ie the VC Rules) rather than in the governing VC Act, but with reference to land disputes, limit the *area* of the land (eg 10 decimals) in the primary legislation (without reference to the land value in BDT).

As concerns research:

- **Recommendation 8A:** conduct research into a) the impact on poverty of the VCs; b) criminal offending rates and trends and victimization; and c) the kind of legal services

⁶ ROM 2012

needed by community members – with emphasis on gender dimensions and vulnerable groups.

- **Recommendation 8B:** commission an organizational development review of the project management structure that maximizes value for money in any national scale-up.

As concerns co-ordination:

- **Recommendation 9:** include police, judiciary, the Bar in training and meetings. Obtain agreement for the VC to be listed as an agenda item in the Case Co-ordination Committee meetings with particular focus on early screening of cases coming into the CJMC and District Courts.

As concerns advocacy:

- **Recommendation 10A:** elaborate an advocacy strategy that makes the economic and political case for VCs.
- **Recommendation 10B:** link with DANIDA, DFID, USAID and GIZ to co-host an international conference on primary/community justice services.

II. Introduction

1. The Mid-Term Review (MTR) took place between 27 January – 3 March 2013. It was conducted by a political scientist⁷ and lawyer⁸ in co-ordination with the project management team further to the Terms of Reference (annexed at **1**). The MTR team held a series of meetings (list of persons met with at Annex **2**) and carried out field visits to five of the six divisions. *Hartals* on 31 January and Tuesday 4 February prevented a visit to the north (schedule of visits at Annex **3**) and limited meetings in Chuadanga and Rajbari.

Methodology

2. The MTR team started by consulting the large number of project materials (listed at Annex **4**). Once in country the team met with UNDP management, National Project Director in MoLGRDC, the EU and AVCB project staff in Dhaka. A number of field visits were conducted the purpose of which was to:
 - directly observe Village Courts and case management and inspect VC documentation
 - carry out key informant interviews, especially with UP chairmen, UNOs, local justice actors and local civil society partners
 - carry out group discussions with parties to cases brought to the VCs and members of the public; and
 - collect data.
3. The team divided into two to cover more ground. However the *hartals* declared on 31 January and 4 February cut short the field work and disabled the team from carrying out any direct observations of VC proceedings. On the team's return to Dhaka, UNDP and EU were debriefed. The MTR was unable to debrief LGD and the NPD until after 12 January owing to travel commitments of LGD staff. The team also met with key development partners (DFID, GIZ, USAID) engaged in access to justice programmes in order to explore potential synergies.
4. The MTR was accompanied by AVCB staff in many interviews and most site visits for the purposes of facilitation and translation as well as key staff of the PNGOs involved in implementation. Where issues bearing on management were concerned AVCB staff withdrew from the interview. Where clarification was required, both PNGO and AVCB staff helpfully provided it. The MTR at no time felt any pressure to adopt a particular narrative or interpretation, on the other hand the mere presence of AVCB/PNGO staff meant the review could not be characterized as fully independent.
5. The team took particular note of the ROM reports carried out by the EU delegation and UNDP mechanisms for project oversight. The team has not interrogated the financial probity of the project either in Dhaka or in the field. The team has interrogated the sources of data, method of data collection and information system and carried out random

⁷ Dr Ferdous Jarhan, Dhaka and BRAC Universities

⁸ Adam Stapleton, Barrister and Co-director, The Governance and Justice Group.

checks of VC registries, cross referring the register with NGO figures in the district and the M&E unit in the PMT in Dhaka and found no discrepancies.

Context

6. The poor have been ‘priced out’ of the justice system over many years.⁹ The problems of access to justice in the state courts had become a ‘daunting task for the poor’ and the ‘legal complexities, cost, delayed justice, corruption, too much emphasis on the normative aspect of law have caused the poor to rely heavily on the informal sector.’¹⁰
7. However, the informal sector has proved no panacea where ‘bias, corruption, change in rural social structure, which is resulting in declining status of authority and power of the shalishkars, are depriving the poor from getting justice.’¹¹
8. NGOs stepped into the void created by state indifference – as they have in many countries around the world. Innovative and culturally sensitive strategies were developed by a range of NGO actors in various parts of the country to provide villagers with a range of services that were simple to understand and inexpensive to access. Public interest litigation - catalyzed by NGOs - took root and progressive judges made far-sighted and policy-changing rulings. However for years, the state did little to implement these rulings or get behind any of these initiatives – with notable exceptions concerning violence against women.
9. A situation that was already bad is growing increasingly urgent: case backlogs have almost clogged the court system, the prisons are overcrowded, corruption is rife and the police are able to act with impunity.
10. Notwithstanding this gloomy picture, there are positive signals that sustain the hope that things are improving for some people at least. Mediation and other legal services have provided a measure of relief to the poor in the areas where NGOs are able to provide such services. The prisons have opened up to allow NGOs to provide much needed legal services to under-trial prisoners and reduce the population by pushing cases through the system. Some of the PIL cases have improved conditions in the work place and in addressing sexual harassment. A range of community legal services are being extended to people and there are signs that government and NGOs are realizing the benefits of working more closely together.

III. Project background and chronology

11. In 2005, the EU undertook an in-depth study of the criminal justice system in the country¹² and decided to take forward one of the principal recommendations of the study,

⁹UNDP, ‘Human Security in Bangladesh: In search of Justice and Dignity’, 2002

¹⁰Jahan, 2007

¹¹Id

namely to activate the Village Courts established by the Village Courts Act 1976. The decision was fully backed by the government of the day and NGOs working in the area of legal services. Both state and non-state actors agreed that the Village Courts had, as yet, untapped potential for providing people with a neutral forum where they could resolve their disputes and petty offences fairly, swiftly and cheaply.

12. Government then passed a new Village Court Act in 2006. Negotiations started to activate the VCs. Initially 500 out of 4,500 UPs were selected by LGD. The chronology that followed therefrom is set down below (key events are highlighted).

AVCB Chronology of key dates and events

Dates	Event
13 December 2007	EC-UNDP contribution signature
1 Jan 2009	Pro Doc signed
4 March 2009	TPP approved and signed
October 2009	Project Manager contracted
November 2009	ROM 1 GO for 500 selected Ups Revised GO for 500 selected UPs
March 2010	1 st PSC meeting
April 2010	1 st PIC meeting
Mid-2010	Full project team complement
July 2010	2 nd PIC meeting
September 2010	Rigorous interventions in 12 UPs
September 2010	3 rd PIC meeting
September 2010	2 NGOs contracted (Dhaka-MLAA and Rangpur- ESDO)
October 2010	ROM 2
January 2011	2 nd PSC meeting
January 2011	Interventions in 12 UPs postponed
April 2011	2 NGOs contracted (Khulna -WF and Chittagong - BLAST)
May 2011	4 th PIC meeting
April-June 2011	UP elections
August 2011	5 th PIC meeting
October 2011	ROM 3
February 2012	6 th PIC meeting
January 2012	GO for VC session at least 1-2 days per week
March 2012	GO to DCs for incorporating village courts issue in trainings for UP representatives and Secretaries; LGD letter to Heads of government training institutes (NILG, BARD, RDA) for incorporating sessions on village courts in the trainings for UP representatives; LGD letter to Divisional Commissioners for promoting village courts; LGD letter all UP Chairmen for conducting village courts as per the Act and informing them about the linkage with LGSP.
March 2012	GO for VCMC (dist and UZ)
June 2012	Approval of Revised TPP
	Interventions in 12 UPs resumed
	Village Courts Conference 2012

¹²Activating the criminal justice system in Bangladesh, Balenger et al, EU, 2005.

Dates	Event
August 2012	3 rd PSC meeting
October 2012	ROM 4
October 2012	Cabinet approves VC Act amendment proposal
November 2012	Orientation to 57 UNOs and 14 DDLGs on VCMC Guidelines in Dhaka
	District Facilitators deployed in 4 districts
January 2013	Revised GO for 350 selected UPs
	GO for Piloting of Decentralized M & E
January-March 2013	Mid Term Review

13. The project is due to end in December 2013. There was an under-spend in the sum of USD \$5,895,200.31 in 2012 which led to a recommendation in the 2012 ROM for a no cost extension of a year. The reasons for the under-spend appear to lie outside the control of the project team and include:

- Delay in approval of the RTPP for direct intervention in 12 UPs in Sylhet and Pirojpur districts;
- Delayed start up of the project in 338 UPs due to NGO hiring process and other procedural issues (see ROM reports of 2010 and 2011);
- Delay in recruitment of the full PMT;
- Delays in recruitment of 12 DFs. To-date only four have been recruited.

14. While outside the control of the project they are each foreseeable realities that programming needs to take into account in Bangladesh. TPPs can take months before they are approved, recruitment procedures can be unduly bureaucratic and start-up timelines will always slip.

15. After several years of delay, however the persistence of the project team has paid dividends and 338 UPs have functioning VCs. [See: **Recommendation 1**]

16. The situation is not so positive in Pirojpur and Sylhet where a different implementation approach was decided on in 12 UPs, namely to activate the VCs directly through the PMT rather than through NGOs. The idea here appears to use the project team as a proxy state entity to equip the UPs, recruit the staff and train them (with PMT trainers standing in for NILG and other government trainers) and directly supervise the staff, without reference to NGOs.

17. Interestingly, it was found to be too expensive to hire a Village Court Assistant (VCA), Field Worker (FW), Upz trainer and facilitator directly, so the recruitment process was put out to tender to the private sector. However this proved to be even more expensive and the tender document has been reworded and reopened.

18. The picture that emerges in the 12 UPs (the team visited five of them) is of high numbers of people coming to the VCs but few finding a resolution.

- UP Dahwa: of 219 cases in 2012, 72 were rejected and 114 postponed, only 9 were resolved

- UP Sadar: of 51 cases in 2012, 17 were resolved
- UP Bhitatbaria: of 41 cases, 12 were rejected (the registry did not show the number resolved or postponed and the UP Secretary appeared at a loss to explain).

19. The high number of rejections suggests people are not fully informed about the jurisdiction of the court and the high number of postponements suggests either the court is not sitting or people are failing to attend. These are alarming signals and need to be rectified [See: **Recommendation 2**]

IV. Progress against the project logframe and MTR findings

Outputs to purpose

20. Case data and project reports from NGOs and PMT suggest the project has achieved its principal objective of activating the VCs in 338 UPs but has yet to complete direct project implementation in the 12 UPs under direct project implementation.
21. A summary of progress against the project logframe is set out in Annex 5.
22. The revised project logframe was described as ‘complex’ in the last ROM (2012). The MTR found it to be overlong and repetitive and quite unfit either as a planning or monitoring tool. [See: **Recommendation 5**]

Risks and mitigations

23. The principal risks identified in the project logframe revolved around continued political support for the scheme, a willingness by MoLGRDC to monitor the VCs and the buy-in of local UP chairmen, UP members and CBOs.
24. The PMT appears to have navigated these risks adroitly. It has consistently sought to bring local government and NGOs together to work in partnership and their success in securing the attendance of the Prime Minister at a conference on the VC in 2012 was a notable coup in that it raised the profile of the VC in the eyes of the UP Chairmen (all of whom were invited to attend from the project sites) and opened up potential funding pipelines in the next financial year.

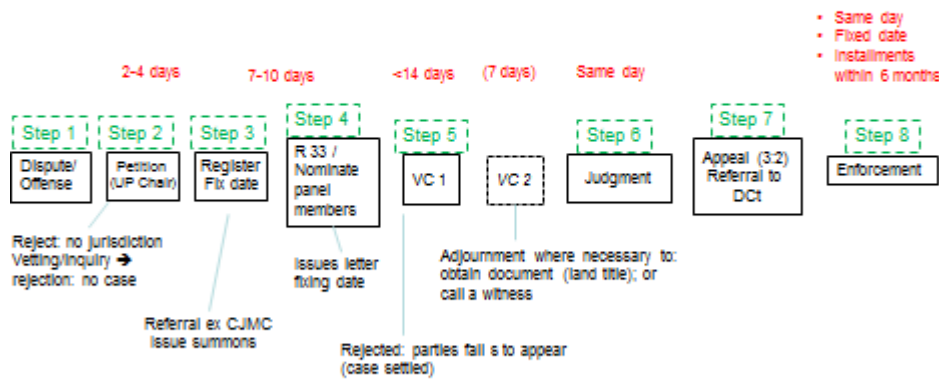
MTR findings - summary

25. The graphic below shows the Village Court process. It starts with a dispute / offence committed in the neighbourhood. The petitioner writes a petition (usually transcribed by the VCA) to the UP Chair who then either rejects the matter as being outside the jurisdiction of the court (ie value of the dispute in excess of BDT 25,000, or a serious criminal matter, or otherwise not within the types of offence or civil claim within the terms of the VC Act), or proceeds to carry out a short investigation – some are ingenious:

The case of the five dead ducks: the petitioner brought five dead ducks to the UP Chair and said they had been poisoned by the pesticide in the respondent's field. The Chair said the ducks were still warm. He went out and bought a duck and placed it in the same field for five hours but it did not die. He rejected the case as vexatious as they could have died for other reasons.

26. Once the UP Chairman is satisfied the case falls within the jurisdiction of the court and is not vexatious, the case is entered in the register and a summons is issued upon the parties to attend (served by the Village Policeman/woman) on a fixed date. This period takes 2-4 days.

VILLAGE COURT PROCESS



27. It may be that the CJMC refers a case back to the VC for hearing. The UP Chairman will receive the referral and then issue the summons in the same way.
28. The parties then appear at the UP Complex and either agree to settle the case by 'mutual agreement',¹³ and the matter is duly recorded in the register and there is no need to constitute a VC, or they do not agree and proceed to nominate two parties each to represent them on the panel. The period between the issue of the summons and the date they nominate their parties is usually 7-10 days.
29. The matter is then listed for a VC hearing within 14 days and the parties are notified by letter. The matter is then either 'postponed' (because the parties have reached agreement in the interim and failed to appear, or failed to appear or for some other reason, such as a nominated panel member has failed to appear). However in the 338 NGO-partnered sites the number of postponements is remarkably low and attributed by informants to the parties having settled in the meantime.

¹³ Rule 33, VC Rules

30. Sometimes it is necessary to adjourn the case to call a witness or produce a document, especially in land disputes. However the case cannot be adjourned for longer than 7 days.
31. Judgment is usually reached on the same day and an appeal to the Chief Judicial Magistrate's Court is available where the decision is split 3:2. Appeals however appear to be remarkably rare. The reasons are not clear. On the one hand, the parties know they will involve substantial costs. On the other hand as one UP chair remarked: "I have had 186 cases so far and there has not been one case where we have decided by 3:2. It is always unanimous or 4:1...Acceptance by the people is the key to the success of the VC."
32. Alternatively, the UP Chairman can refer the matter to the criminal court for punishment where the panel thinks the case merits it. Again these cases appear to be very few in number.¹⁴
33. The spirit of the VC is restorative in approach rather than punitive. It has powers to fine a person but only when s/he fails to answer a summons or acts in contempt of the VC.¹⁵ It cannot impose any other punishment and can only order restitution of the property or payment of compensation in a sum that must not exceed BDT 25,000.
34. This pecuniary 'cap' is a source of frustration to UP Chairmen, UP members, petitioners and NGOs alike. It was observed that a goat costs BDT 25,000 and a cow far more; that land was a major cause of dispute and the VC were unable to handle such matters as the value is always higher than the amount permissible.
35. In the main, compensation is made on the day of resolution, or paid in installments or paid by a fixed date. In general (though the Act is silent) six months appears to be the maximum time by when a payment must be completed. Then the UP Chair can proceed to recover the amount under the Public Demands Recovery Act 1913.¹⁶ This process is described as 'cumbersome' requiring a certificate from the UNO, recovery of the amount, payment into the UP fund and then payment from the fund to the petitioner.
36. Enforcement appears from the case figures (below) to be remarkably high. One UP chair remarked: 'I have had only one who did not comply with the order. This high number is because people respect the court and feel justice has been done.'

Data collection and analysis

37. In 2011, the PMT discovered discrepancies and confusion in data collection. They found VCAs were collecting data outside the VC's jurisdiction and there was double counting. FW and VCAs were instructed to cross-check all cases in their areas according to guidelines from the PMT in early 2012. This resulted in a consolidated database and

¹⁴ Section 16(2) VC Act 2006

¹⁵ Sections 10-12 VC Act 2006

¹⁶ Section 9(3) VC Act 2006

clear guidelines on data collection and management. The figures in the annual reports for 2010 and 2011 should be disregarded.

38. The MTR found the primary data contained in the registries in each VC recording the names of parties, case details, names of panel members and outcomes. A separate register records the 'money transactions'. The VCA (in several VCs) posted up on a wall the monthly tally of cases in, resolved, rejected and pending. A report is sent to the UNO from each UP (under the Rules every six months, though in practice in many UPs it appeared to be monthly) and a consolidated report is sent to the DC from each Upz every six months who then consolidates all the data from the district to be sent to the LGD and uploading on to a central database.
39. At the same time, the data is gathered by the NGOs and reported to the M&E unit in the PMT. The MTR cross-referenced the data gathered by the NGOs to the registry entries and found no discrepancies. The MTR was impressed by the record keeping in general (save in UP Bhitatbaria, Bhandharia). The importance of clear record keeping was underlined when the MTR received a complaint in Chittagong that panel members were offering their services for a fee and the same panel members appeared in all cases. The registry for the UP was checked but it was clear that the panel members were different. Further enquiry suggested the complainant had a grievance against the UP Chair (who had defeated him in the last elections).

Major factors influencing the achievement/non-achievement of outputs

Access

40. The average distance of a villager from a VC is 3km, save in Sylhet and Barisal where the distance can be as much as 6km. They are genuinely local.
41. The parties nominate members (two for each side). This is deemed a key to gaining acceptance of the 'court'.
42. Income is no bar to accessing the court (with BDT 2 and BDT 4 being court fees payable for criminal and civil cases).
43. However the pecuniary cap of BDT 25,000 is seen to be a major impediment for people especially as land disputes are the most common source of complaint and livestock theft/damage is not uncommon. In these matters, the amount the court can award will not meet the justice of the case.

Sensitisation

44. Considerable energies have gone into sensitizing the public about VCs. The array of materials developed by the project is impressive and include:
 - Cloth-based set of visual aids for courtyard meetings explaining the purpose, jurisdiction and procedure for accessing VCs (2010)
 - Two films: a one minute TV slot (2012) and a 37 minute docudrama (end 2011)
 - Laminated brochures on VCs (2010)

- A series of leaflets explaining (1) jurisdiction, procedure and contact points (2010); (2) gender equity and the VC (2011); and containing (3) a man's case study and (4) a woman's case study (2012)
- A series of three posters explaining a woman's focus, the VC and VC jurisdiction
- A pocket book providing guidance on the conduct of a VC (2012)
- The VC Act in Bengali (2010) containing a simplified version of the Act with commentary and copies of VC Forms
- Calendars
- Festoons
- Each UP and VC has signboards, billboards and stickers advertising the VC and logos of development partners.

45. The surveys commissioned by the project¹⁷ suggest the sensitisation sessions and materials have been effective in communicating the VC message and raising both awareness and transferring knowledge, especially the use of street dramas. Save, as mentioned, in the 12 UPs where no such sensitisation programme took place after the UP elections in 2011. In these UPs, the picture appears to show a local population that does not understand the jurisdiction of the court and a group of officials who do not fully grasp the difference between the VC and shalish and do not have the human resources to manage the matters in the VC.

46. However while more can always be done to 'raise awareness' at some stage 'word of mouth' and the recommendations of the growing number of people who have used the VC needs to take over.

Performance

47. Time taken to resolve a matter varies from 23 days¹⁸ to 28 days¹⁹. The MTR found no reason to doubt these figures from interviews conducted and inspection of registries. The speed of the process fuels the enthusiasm with which people the MTR met with described the VC.

In Chittagong, the BLAST VC team recounted a case of a family dispute which had been pending a hearing in the District Court for three years and eventually referred to the VC where it was resolved in two hearings.

48. The UP chair has between 34-39 duties to attend to and the VC is but one. The MTR were informed that some UP chairs were not motivated to preside over the VC as they

¹⁷ A quantitative Impact Baseline in 2011 and a more qualitative survey Evaluating VC Performance at Beneficiaries End, 2012

¹⁸ Impact Baseline, 2011

¹⁹ Evaluating VC Performance, 2012

gained nothing by it²⁰ (compared with informal shalish conducted privately outside the VC²¹).

49. On the other hand, other UP Chairs in Madaripur saw the VC as a means to securing re-election. The importance to people of justice and the impact of the VC on reducing poverty needs to be explored further. If, as it may be assumed, justice ranks on a par with relief, then an advocacy strategy will need to be elaborated to ‘sell’ the VC better. [See: **Recommendation 7**]

Public perception

50. A senior judicial magistrate²² expressed the view that while cheap and speedy, he was less sure about the fairness of the process as the UP Chair is partisan. This was put to a UP Chairman who responded: “It is not the Chair who adjudicates alone. There are four other members. He has to consult with them. ...I am a party member it is true but when I chair a VC I am not persuaded by party considerations. This is why people come to me.”²³
51. The *ejlas* (ie ‘the bench’ at which the panel sit) confers dignity on the proceedings and lend the majesty of the law to underscore the structure and order of the process. In addition, the raised dais enhances transparency so that everyone present can see what is going on and see the Chairman talk with the panel members, each party has nominated.
52. The VC is *perceived* both by UP and community members to have reduced crime and enhanced safety in the community. The measurement of crime statistics is an inexact science anywhere. However, what is agreed by criminologists and police officers concerned with research and policy issues is that public perceptions of how they ‘feel’ is everything. It may be that the VC has not altered the incidents of offending in a community, however *if* the people in that community feels it has, then that is a significant gain.
53. The restorative nature of the proceedings is also seen as important. Not only that a settlement is reached but also that the matter is concluded and the parties that live in close proximity to one another can carry on amicably in close proximity.

Perception of UP and LG

54. The MTR was told in the course of field visits that ‘before’ the Village Courts were activated people did not really know what to do, ‘now’ they know the facilities are on

²⁰ The monthly income of a UP Chairman is BDT 3,000, half of which he has to source locally from taxes. Most Chairs have their own income as a result whether as businessmen, or otherwise, so they are not dependent on these positions for their livelihood.

²¹ In South Surma Tetli Union there were 11 cases resolved through VC in 2012. Of these 11 cases, three were referred to VC by the district court. The UP chair said that on an average, he receives around 6/7 cases per month. He solves most of them informally by shalish. The process that he follows is very similar to the Rule 33 cases of VC *save that* he does not fill out forms, send written notice or record such cases in the VC register. (MTR)

²² Faridpur, MTR

²³ UP Chairman, Modipur (MTR)

their doorstep; and ‘before’, miscreants knew they could escape justice, but ‘now’ the VC provides a remedy.

55. Some UP members and UP Chairmen with whom the MTR met appeared proud of their roles as ‘community watchdogs’ and the VC had given them the tools to ‘step in’ and resolve matters. The role of VCA was consistently cited as an important resource as s/he took over some of the UP Chairman’s heavy workload and attended to the petition drafting and form filling that would otherwise fall on the UP Chairman (and so demotivate him/her from presiding over VCs).
56. As mentioned, other UP Chairmen saw the role as VC chairmen as useful in seeking re-election. One observed at roundtable in Madaripur that he attributed his re-election to his attention to social justice which counted higher on people’s scale of needs than relief.

The spoilers

57. The chief ‘spoilers’ of the VC are seen to be: lawyers, police, and district court officials (e.g clerks). It was consistently observed to the MTR that policemen see petty crimes and minor disputes as meat for a ‘police shalish’ with attendant risks of coercion and corruption.
58. There is a need for clarity here: the role of the police officer in dealing promptly with local and minor issues is unobjectionable. The young person caught stealing fruit in a market might be dealt with on the spot by restoring the fruit to the owner and an apology. This said, it may be argued that a fight between neighbours, damage to property or theft of livestock should more appropriately go to the VC because they involve issues that require some form of compensation and impact on community harmony. Police should be natural allies of the VC and at present they appear to the MTR to be marginal actors. [See: **Recommendation 9**]
59. Courts are remote. The judiciary see the utility of the VC (in reducing *inflow* of cases) but do not see them as the *first tier* in the formal justice system. There appears to be no mechanism in place to manage cases when they first come to the CJMC and divert appropriate cases back to the VC. It was observed to the MTR in Faridpur and Kishoregonj that the District Courts should not allow cases to be filed that are triable in the VC. However, police tend to ‘add on’ features to make it ‘cognisable’. It was observed in Kishoregonj that an early listing of the cases would ‘make 50% of the cases disappear’ and of the remainder half again would ‘most likely to go to VC.’²⁴ [See: **Recommendation 9**]
60. Lawyers are said to overstate the seriousness of a case so that the Senior Judicial Magistrate or assistant judge issues the summons and the lawyers then are able to compromise the case at court (though after a lapse in time of 2-3 years). Lawyers are also said to resent the VC both because they have no standing to appear in VC proceedings

²⁴ Mr. Shamsuddin Khaled, Joint District Judge, Kishoregonj, MTR interview

and see it as a mechanism that deprives them of income. Again they do not appear to have been included in the VC process. The nature of the cases before the VC clearly do not merit the expert advice or representation of a lawyer (which is why the VC Act specifically excludes them from the court), however there are many cases that will come to the court that may need to be referred to a paralegal (see: GIZ programme below at para 156), lawyer or District Legal Aid Committee (see: USAID programme below at para 154) and so lawyers should be interested.

61. NGOs are said to see referral to a VC as a mark *against* their own figures for resolving cases and so reduce perceptions of their own impact on caseload (whether resolved through mediation or otherwise). If so, this needs to be addressed and NGOs (and not only those supplying legal services) need to be closely involved in the VC as a point of referral.

GOs

62. There has been a flurry of Government Orders in recent months that are seen to have raised the profile of the VCs and ensured closer engagement by the UNO in particular. This said, there appears to be already considerable pressure on local government actors at all levels. Those working on the coal-face as it were have commented favourably on the role played by VCAs and NGOs who have shared the workload. This was evident in the exasperation demonstrated by the DC in Pirojpur when he accompanied the MTR to a UP and found the UP Secretary quite at sea when asked about the VC.

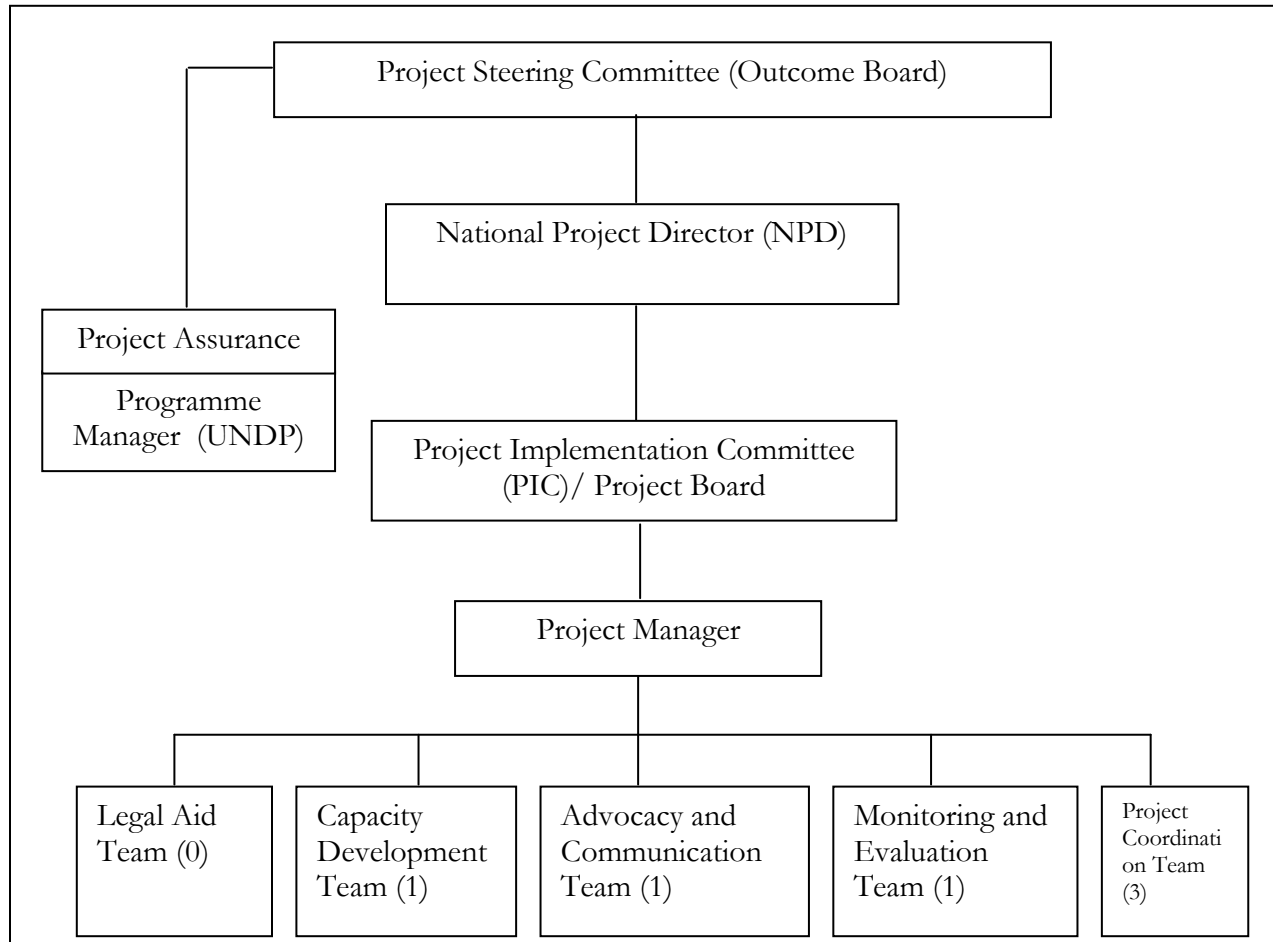
LGSP II Performance Grant Criteria and UP focal person at Ministry level

63. In LGSP II, the UPs receive grants each year based on their performance the previous year. The performance is measured against 12 criteria (e.g. UP office being open, female UP members participating in UP meetings and activities, VC being functional etc). Thus, the VC seems to be one of the important areas of activities by LGD. The NPD for the AVCB project and the LGSP II project is the same person. Moreover, the Ministry has created a focal point position (at the level of a joint secretary) to coordinate all UP level projects and programmes. These show that the government is moving towards creating an enabling environment to make VCs functional.

Project management

64. The PMT has an establishment of 30 positions. Currently 11 are vacant. The PMT coordinates in the field with the four NGOs contracted to implement the project in four divisions (MLAA in Dhaka; WAVE Foundation in Khulna; BLAST in Chittagong; and ESDO in Rangpur) which together are responsible for 338 UPs. The remaining 12 UPs are directly supervised by the Project Co-ordination team in the PMT.
65. UNDP has introduced District Facilitators to monitor NGO performance and liaise with local government. The deployment of these DFs has been delayed however and at present only four out of 12 are in place.

Management structure of the AVCB



67. There will be a need to rationalise this arrangement at some stage. At present, the link between UP/UNO and NGO/District office and PMT appears to be understood by all concerned to have established clear lines of communication. The role of the DF is less clear.

68. The contractual arrangement with each NGO is for a 12 month period and subject to renewal contingent on a satisfactory assessment in their annual performance report carried out by the PMT. In addition, the finance team conduct a financial management review on a quarterly basis (reviewing targets and achievement) and cross-check the information both in the field and against the NGO's reports. Information flows and reporting procedures appear to be satisfactory and the Finance team report satisfaction that funding disbursements are used for the purpose for which they were intended. In terms of monitoring NGO performance it is hard to see what is gained by the presence of a DF.

69. As concerns liaising with local government, the MTR observed individual officers (DC, DDLG and UNO) weighed under with work. They are instructed from Dhaka and GOs to hold various meetings so they add a VCMC to a Law and Order

Committee meeting as the same players are concerned. They relay case data from the UPs up the chain to Dhaka. The project is supervised by the NPD and PIC and both have close links to the PMT in Dhaka whose project support team spend 60-70% of their time in the field. The MTR is unclear what the added value of the DF is *at this stage* of the project (when the communication lines and linkages appear to have been established at District level).

PMT staffing

70. The Joint Secretary, LGD, raised with the MTR her concern that PMT staff were leaving as a result of the terms and conditions which had not been updated since the project's inception in 2008. On further enquiry, the MTR were informed the employment packet had not been upgraded for senior positions in line with other UNDP projects and that lower levels have had a small upgrade.
71. As a result, senior staff have left (3 in the past 12 months, including: a legal expert (Nov 12), training manager (June 12) and a M&E officer. None have been replaced. Furthermore two more senior officers are due to leave shortly. This has led to cut-backs on training and field visits.
72. This situation is alarming the NPD and LGD and was emphasised at the meeting with LGD at the beginning of the MTR. Clearly it is a matter that needs addressing as a matter of some urgency since changes to the top management team at this stage of the project would be a serious set-back in terms of momentum and confidence. [See: **Recommendation 8B**]

V. Relevance

ROM summary: High relevance not only in providing quick and accessible justice but also in resolving and preventing local conflicts. Significant progress made due to positive support from stakeholders.

To people...

73. VCs are located close to the people they are intended to serve. They deal with a range of matters that affect not only individuals but also social cohesion

Case study: a local miscreant was cutting the branches of his trees to sell the wood to pay for his drug habit. He was going to go to the thana to report the man but was told instead to go to the VC. The VC ruled and granted him compensation. He said he was a rich man and did not need the compensation, but just wanted the man to stop. He has done.

74. The figures (too soon to disclose a trend) suggest a steep rise in cases registered and high level of case disposal. The costs are high at present but show signs that they will come down quite steeply. The compensation awarded appears commensurate with the

level of seriousness of the cases and recovery of payment (enforcement) is more honoured in the observance than in the breach.

75. The VC are commended in the literature and in meetings for providing a structure and set of rules which the shalish lacks.

‘Shalish is conducted by local elites and in a biased manner. The VC works on a neutral basis in an open forum by persons nominated by the parties so it is more trustworthy.’ Chuadanga CBO (Woman) member

‘Shalish attracts a lot of people and can become quite chaotic with one group supporting another.’ (Villager Chuadanga)

‘We did ADR before but never according to any rules or system.’ (Chittagong)

76. The transparency of the process deters the corrupt tendencies of the shalish: “We have spent the whole night ensuring that you will get justice, now give us our share.”²⁵

To service providers...

77. The project provides the tools and technical know-how to allow the VCs to function. One UP Chair put it like this: ‘The VC was there before but we did not have a clear concept of the law or procedures. The project has provided assistance to set up in a proper manner and the VCA has been a tremendous support. We are very overburdened as we have to do what the LGD says and all the other Ministries as well. The VCA is there from 9-5. If the VCA is not there there is no one to help people as either I or the UP Secretary are often away from our offices. The VCA keeps the image of the court, helps litigants and provides advice and assistance.’

78. On training he went on to observe: ‘We are trained and have a book and materials to guide us and through practice we learn. It is not that difficult. The rules of evidence do not apply: we want to know if something happened or not. If so, the person has to compensate the other.’²⁶

79. The surveys attest to a solid basic knowledge base of members of the public and UP personnel.²⁷

To the system

80. The VC Act is an admirably simple, clear and short piece of legislation (containing 21 sections). However, the low pecuniary cap set (BDT 25,000) threatens its relevance in common cases (such as land disputes and issues concerning livestock).

²⁵ Jarhan *supra*

²⁶ UP Chairman, Modapur

²⁷ Both the Impact Baseline Study and Evaluating Village Court Performance at Beneficiaries’ End.

81. The PMT produced a very useful and thoughtful report²⁸ proposing a series of amendments to the VC Act 2006 following a broad process of consultation in the districts and culminating in a series of technical consultation meetings. The proposals made are reported to have been approved by cabinet and are pending before the next session of parliament. They include:

- raising the pecuniary cap to BDT75,000;
- requiring at least one woman panel member to be nominated where the case involves the interest of a child or woman;
- enhanced provisions for confidential mediation of the dispute in place of trial;
- recovery of unpaid compensation under the Local Government (Union Parishads) Act 2009, making the amount recoverable as a local tax;
- restricting the investigative powers of the police in cases falling under the VC's jurisdiction.

82. It is thought that the implementation of these amendments will increase the caseload in the VCs and reduce the inflow of cases into the superior courts and so relieve some of their pressure.

83. However the BDT amounts should be specified in the *Rules* (ie the secondary legislation that can be amended administratively) and not in the Act. Land disputes are the principal source of dispute. The amendments might be further reviewed to focus on the land *size* rather than the land value, since this will vary from region to region and urban to rural. It may be that a land dispute involving 10 decimals or less should be tried by VC and be capable of being so resolved (and enforced). [See: **Recommendation 7**]

VI. Efficiency

ROM summary: Efficient project management team (2011). Internal management and monitoring arrangements are excellent (2012). As of March 2012, less than 50% of the total project funding (to December 2013) spent. Activities fully implemented in 338 UPs.

Cost

84. **Start-up:** The start-up costs over the course of a 12 month period are broadly in line with the National Costing exercise²⁹, namely: BDT 565,000 or \$7,000. This includes: *ejlas*, furniture, staffing and training, forms and service of summons. Costs are high in this period:

- 2011: the average cost per case was \$257.³⁰
- 2012: the average cost per case dropped to \$182.³¹

²⁸ Review of Legal Framework of Village Courts, Md Mahboob Murshed, April 2012

²⁹ PMT, November 2012

³⁰ Total budget spend for all activities in 2011: \$2,452,849 divided by total cases reported: 9,542

85. **Running costs:** the MTR estimates that the cost of running one VC is approximately BDT 240,000 over a 12 month period, or \$3,000.³²
86. The average number of cases in 2012 doubled from 2.2 (2011) to 4 across the 350 sites. Assuming then 4 cases pcm, the average cost per case then becomes \$63. Obviously the higher number of cases the lower per cost per case. A reasonable expectation of 10 per month would result in an average cost of \$25 per case.
87. The figures cited however do not take account of the cases either settled informally outside the VC; or prevented from occurring in the first instance. The view was consistently expressed to the MTR that either the advent of the VC had reduced crime in the neighbourhood, or that the VC had enabled parties to settle without the ‘embarrassment’ of a public hearing in the VC. This will need further enquiry. [See: **Recommendation 8A**]
88. The extraordinarily low costs of litigation in the VC as compared with the District Court is a strong selling point. The token court fees should be maintained for the present until the VC gains currency as a neutral forum for solving local matters. The need to pay for, say, a land survey to prove a case may be additional but appears to be considered acceptable to those who pay them.

Time

89. Delays in justice are notorious in Bangladesh and one reason for the activation of the VCs. The average time a case takes from registration to disposal is given as variously between 23-28 days and can be quicker where the parties reach a mutual agreement under R33.
90. If true that ‘about 10,000 cases are filed everyday’³³ and 2.7 m cases are pending in the courts,³⁴ it is unlikely that the rural poor are going to have their day in court (unless as a defendant in criminal proceedings).
91. The prohibition on lawyers has become a necessary feature of local justice for elsewhere in the world as the practise of adjourning cases (often for the flimsiest of reasons) defeats any attempt at speedy justice.
92. The sparse procedural steps (outlined in the graphic above at page 14) ensure the cases proceed smartly and without room for manoeuvre.

³¹ Total budget spend for all activities in 2012: \$3,131,931 divided by total cases reported: 17,197.

³² This is based on actuals (utilities, staffing, stationery and forms) and excludes the costs of management and M&E costs.

³³ Jahan *supra*.

³⁴ ‘Judiciary Choking – over 27 lakh cases stuck’, Daily Star, 16 February 2013.

93. Some complaints were made to the MTR about the number of forms to be completed. However they each relate to an action or transaction. Payment of BDT 2 to file a petition on a criminal matter, however small, still requires a receipt to demonstrate proof and receipt of payment. As each UP becomes increasingly computerised (through the development of the Union Information Service Centre – UISC), it may be the use of paper forms can be reduced in any next phase.

Project management

94. UNDP stands in partnership with GoB and is able to lend its prestige to the project. However, internal bureaucratic processes appear unduly lengthy especially as concerns recruiting personnel and need speeding up.
95. The PMT has met the targets set out in the logframe at least as concerns 338 UPs. The PMT has also promptly sought to address the recommendations made in successive ROMs. The accrued project under-spend by 2012 does not appear attributable to the PMT. [See: **Recommendation 1**]

Role of NGOs and added value

96. The MTR finds the public private partnership evidenced in the project to be a significant strength. In few countries can government ‘go it alone’ in the provision of legal services, especially in rural areas where the costs of constructing courts or retaining ‘public defenders’ is not justified by the low volume of cases. Here, both play to the strengths of each: local government in terms of administration and NGOs in terms of public outreach and information; and each watch the other. The comparison with the UPs that do not have NGO assistance makes for a blunt appraisal. [See: **Recommendation 2**]

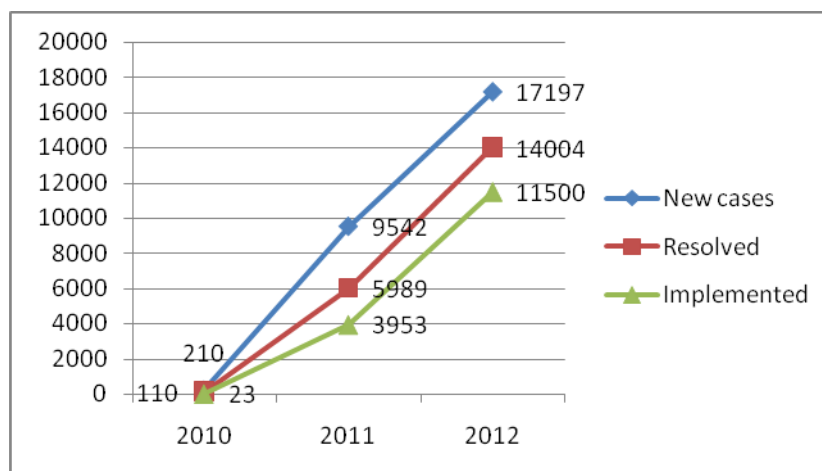
VII. Effectiveness

ROM Summary: Highly effective and a ‘model for replication on the national level’. Low financial ceiling (BDT 25,000) resulting in estimate 40% of eligible cases being brought to the attention of the VC.

To people

Caseload

97. The graph below shows a sharp rise in case numbers from 2010-2012 in which women petitioners average around 30% and the complaints are overwhelmingly ‘criminal’ in nature (77%) with hurt/assault/fighting topping the list, though this varies from UP to UP. Civil matters concern financial disputes (unpaid loans) and disputes over land (grabbing).



98. These figures are impressive, especially in terms of enforcement of the court judgment which are a major source of dissatisfaction the world over. The reason for this may be the relatively low amounts ordered by way of compensation. Another may be, as mentioned, people ‘respect the court and feel justice has been done.’
99. The numbers of cases recorded does not paint the full picture. The advent of the VC appears to have provided people with a leverage they did not have before to settle cases out of court (before the situation was: what are you going to do about it? Now, the situation is: settle or we go to court and you will be embarrassed). How many cases are settled in this manner is not captured at present. Many of the cases for instance that are recorded as ‘rejected’ or ‘postponed’ result from the parties failing to attend on the due date. This is attributed in large part to their having settled the matter. However it could also be because the petitioner has been inhibited from attending.
100. The evaluation survey³⁵ records a high level of satisfaction by court users (89% women and 93% men). The MTR found universal enthusiasm for the VC during the field visits. LGD appears highly positive and is actively advocating for a second phase to scale up the programme.
101. The signs of growth then in VC use and effectiveness of outcomes are encouraging and establish the project’s feasibility. However the evidence in support of projected growth is not yet available in terms of the needs as yet unmet, nor the data that is not being captured in terms of cases that would not have settled *but for* the advent of the VC. [See: **Recommendation 8A**]
102. A major limitation on the VC working effectively is attributed to lack of awareness.³⁶ The MTR is not persuaded: MLAA has been supporting VCs since 2002 and the figures there remain at 5-6 per month. The MLAA project co-ordinator (since

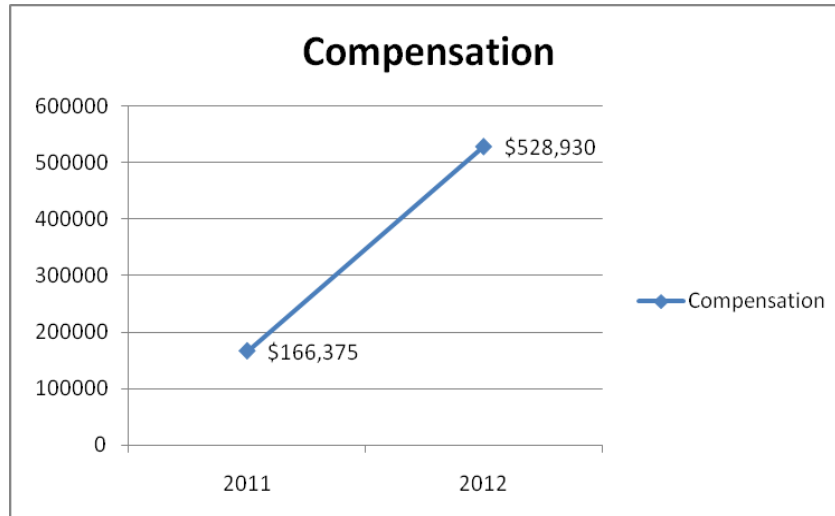
³⁵ Evaluating Village Court Performance at Beneficiaries End, 2012

³⁶ Review of Social barriers and Limitations on VC, 2012; Hossain:2012.

2002) estimates the true figure should stand at around 12-15 cases per month and that this figure would be achieved if a) the pecuniary cap was raised and b) more cases were referred to the court from other agencies and institutions. The amendments to the VC Act will test the first hypothesis and closer co-ordination with all actors will test the second.

Cost benefit

103. Compensation is recorded in the ‘money transaction’ register held in each VCA’s office adjoining the VC. The money is paid over formally in the presence of a witness and the VCA. Each party signs and the witness also signs. In this way the PMT is able to provide an accurate statement on the amount of compensation recovered.
104. In 2011, the total compensation paid was just over \$165,000. This amount more than tripled in 2012 to \$528,000.



105. The average compensation paid per case is BDT 3,680 (\$46). When set against the MTR’s estimate above (para 108) of \$63 cost per case (once the court is up and running) this looks promising especially in light of the amendments to be made to the VC Act which, together with word of mouth recommendations, are likely to increase court caseloads. In Pirojpur, two UP Chairmen observed to the MTR that they had decided to recruit their own VCAs in the absence of project support. Each had paid BDT 2000 and BDT 3000 respectively and justified the cost in terms of benefit accrued.
106. The amounts paid in compensation are often far below this amount. Local earning power is low (BDT 5000-10,000 per month are commonly cited) and loans are also low (BDT 200, BDT 500 as well as higher amounts). These tip people over the edge and the recovery of these amounts are clearly a relief to the petitioner, especially the women.

Costs to the petitioners

107. The court fees are low and attractively so: BDT 2 is charged for a criminal matter, BDT 4 for civil. This is of course nominal (and in the future can be raised once the VCs are established). For the present, the MTR found it to be a real statement to poor people that money will not be a bar to attaining justice.
108. Additionally, the parties may need to shoulder various costs depending on where they are. These additional costs average BDT 100 per case³⁷ and BDT 260³⁸. The highest amount came to BDT 4,500 (a land dispute which took over 45 days to resolve). This still compares favourably with the costs of litigation which are estimated at BDT 89,424 per litigation.³⁹
109. The basic question becomes whether the costs are a) reasonable and b) affordable? A UP chair described the comparative costs for ordinary people (accessing VC and accessing District Courts) as follows: ‘The UP is 2-3 km from a person’s home. So he does not have any transport costs. The District Court is 14 km away and it costs BDT 50 for transport there. He has to file the case, find a lawyer and over the year the costs will run into the thousands of Taka. So it is easy to calculate how the VC contributes to the community.’ Another had this to say: ‘Sixteen cases were referred from the District Court, some after two years delay. It took three weeks to resolve these matters and they had already spent BDT 80,000-100,000.’

To service providers...

110. The VCs are seen by the judiciary to be effective in reducing the case backlog. However the numbers of referrals from the courts (1,683 from the start of the project) are low and it is unlikely many of the cases dealt with at the VC would have made it to the superior courts. The police appear to ignore them. Closer engagement with courts, police, the Bar and NGOs is needed to ‘mainstream’ the VC and raise its profile as an early mechanism for resolving local conflict.
111. There appear to the MTR several mechanisms the project could engage with to explore closer co-ordination: the Case Co-ordination Committees co-chaired by the District Judge and Deputy Commissioner at District level which are aimed at reviewing the caseload and caseflow in the district;⁴⁰ community policing forums which also serve to divert matters from the criminal justice system; and the District Legal Aid Committees to refer cases from the VC (that should be dealt with in the CJMC) or merely for advice and assistance.

³⁷ Impact Baseline 2012 p36

³⁸ Evaluating VC performance p10

³⁹ Barkat, 2004

⁴⁰ The Case Co-ordination Committees are supported through the IRSOP project funded by GIZ and implemented by Ministries of Home Affairs and Law, Justice and Parliamentary Affairs.

112. The VCA's office space could be opened up to provide a range of legal services provided by various NGOs and service providers and make greater use of the Union Information and Communication Services (UICS). [See: **Recommendation 4**]

To the system...

113. The effectiveness of the VC would be enhanced if it became – and was seen to be – the ‘first tier’ in the formal justice system. As such the bulk of cases (being minor in nature) would pass through these courts of ‘first instance’. This would then have an appreciable effect on case inflow and provide some breathing space for the courts to tackle the backlog.
114. The next two years will be an important period for testing how the VC deals with an increased caseload and enforces the orders made. It will enable the project to test and calibrate the ‘model for replication’⁴¹ that will be required in any second phase. [See: **Recommendation 3**]

VIII. Impact

ROM summary: High public satisfaction, enhanced governance and accountability structures at UP level and generation of demand for VCs in neighbouring UPs versus absence of mechanisms at superior courts for registering VC triable cases, fears of pre-election violence in late 2013 hampering impact and abuse of process by imposing shalish resolutions concerning serious crimes.

On people and the community...

Before we felt helpless. Now we have somewhere to go for support. This gives us self-confidence. (Chuadanga)

115. There can be little doubt that the advent of the VC has had a huge impact on those communities with access to these courts. The steady rise in numbers of cases being filed and significant value of compensation awarded is strong evidence to suggest government has got this legislation ‘right’ and a testament to the hard work of the PMT and PNGOs.
116. The number of women petitioners is also significant, averaging 30% across the six divisions. It will be interesting to note if the proposed amendment to the VC Act requiring at least one woman panel member in cases affecting women or children increases the number of women coming to the VC in the next two years.
117. Aside from the direct benefits to the parties and an outcome that has restored the status quo ante, there are a number of societal benefits.

⁴¹ ROM 2012

The case of the two ducks in a paddy field...

During planting season, A's two ducks enter B's paddy and ruins it. In anger B kills the two ducks. A takes the matter to the VC which awards BDT 500 by way of compensation. Both A and B are content. Respondent B says that had they not had access to the VC and gone to the thana, 'I'd have had to deal with the police, then a lawyer and I don't know how long it would have continued moving from court to court. Just a lot of harassment and a lot of money.'⁴²

- *Social harmony*: The woman petitioner reliving the moment above was incandescent at what had happened and 'on that day' as she explained she would have gone to the *thana* and on to the court. The respondent was also in no doubt that this would have had created considerable 'harassment' for him. Both expressed (and showed by their demeanour) great relief that the anger of the moment that had disrupted peaceable co-existence had been restored swiftly, equitably and at such little cost.
- *Closer relations between the UP/community*: The VC has added 'justice' to the services offered by the UP complex and elevated the prestige of the UP chairman and members elected to the panel.
- *Reduced incidence of crime*: the view expressed consistently to the MTR was that 'miscreants' could no longer 'get away with it' and that incidents of petty crime had declined with the advent of the VC.
- *Providing leverage to settle*: the presence of the VC concentrated the mind of the respondent to settle and avoid public naming and shaming.

118. The VC is also showing signs of being a model of legal empowerment: 'Local knowledge and local justice are more effective. We don't need lawyers, police and even in some cases the UP chair! As a community, we can solve our own disputes.'⁴³ It provides a simple legal framework people can understand, occupies the lowest rung of the formal justice system, is worth the cost and time to bring about a favourable and lawful outcome and shows poor petitioners that lawful recourse is available and responsive where before there was nothing.

119. Furthermore, it requires the direct participation of people (without the interference of any middle man or lawyer) both in nominating the 'judges' and in determining the outcome ie to reach a mutual agreement and obviate the need for a VC (R33). It hands greater control over to them in the way the rules of the game are applied (the *ejlas* symbolizes the law as applied by the parties' own nominees). It inculcates a more positive attitude towards the law – rather than a means of oppression, it becomes a tool of liberation or - less rhapsodically - at least relief.

120. When it operates best it addresses one of the 'classic problems of voluntary dispute resolution: that intransigent and powerful parties can refuse to reach fair

⁴² MTR interview Khulna

⁴³ Chittagong MTR meeting

settlements. In short it is a step in translating ‘rights’ into reality for ordinary people.’⁴⁴

121. This said, the registered case numbers are low. It has been commented that ‘The question of the level of demand for Village Courts, and the motivations of those who approach Village Courts as opposed to other mechanisms, merits further research.’⁴⁵ The MTR agrees: what is the scope of the demand? How many cases are sent to the superior courts that should go to the VC? How many cases are dealt with at the police station that should be referred to the VC? How many eligible cases are dealt with through other means because of the presence of a VC? These questions could usefully be researched in the next two years. [See: **Recommendation 8A**]

On service providers

122. The VC was mentioned to the MTR on several occasions as closing the gap between the UP and community and providing the UP chairman and members with a tool for addressing social problems in the community.
123. As an elected officer, there would appear to be clear internal incentives for the UP chair to sit regularly and be seen to dispense justice fairly. The process would appear to have adequate internal mechanisms to check against a strong UP chair from abusing his position (eg: it is transparent (unlike the UP Chairman administered shalish) both in process (nominated members and simple rules) and outcome (decision and award made in open court). Where members of the public lose confidence in the process one can expect to see an unusual decline in court caseload (triggering an alert in the central database in the LGD).
124. However the impact on other service providers, namely police and judiciary is remote at present.

On the system

125. While the impact is high at the UP level, it is negligible on the system as a whole. It is early days and not too much should be made of this. The police *should* be the first link in the justice chain to refer cases to the VC. At present they do not. This may be a matter of leadership and require clear direction from police headquarters, or ignorance and they need to be exposed to the VC, or for some other reason.
126. The superior courts appear somewhat paternalistic in their view of the VC. They should be encouraged by the figures to see the potential for these courts to act as an early filter and reduce the pressure on their own caseloads and develop, perhaps through the Case Co-ordination Committees, mechanisms for closer co-ordination with the courts. [See: **Recommendation 9**]

⁴⁴ Das/Maru, 2011

⁴⁵ Id

IX. Sustainability

ROM summary: Good potential: low maintenance costs and affordable services. Increasing government buy-in reflected in personal attention of the PM and issue of GOs.

‘Governments cannot simply outsource justice to communities without providing resources in a variety of forms. It is not possible to promote better access to justice without resources and better accountability.’⁴⁶

Financial sustainability

127. The history of the VC project since 1976 has been characterized by government lip service (overt support but no allocation of resources). LGD is sensitive on the subject and maintains that by providing space in UP complexes and direction, it has demonstrated commitment. Certainly long term observers and practitioners appear to agree that the project appears to have generated both a momentum and activity within local government that has not been present before. However until funding is allocated by government the project cannot be described, in financial terms, as sustainable.

128. There are two central issues here: activation and maintenance. The development community may express interest in supporting the (relatively) high costs of starting up a VC (*ejlas*, staffing, training and sensitization) which the MTR estimates at \$7,000 per VC (based on a 12 month period of inputs), but government will need to commit to come in afterwards to maintain the VC once it is operational. The MTR estimates this amount to be approximately \$3,000 per year.

129. In early discussions with the MTR, LGD stated that BDT Cr70-80 (or approximately \$10 million) would be made available in the next financial year (2013/14). This is a start. For instance if the running costs of a ‘model’ VC worked out as the MTR has estimated (ie, in the region of \$3,000), government could maintain 1,500 VCs (at a running cost of \$4.5 million) without much difficulty.

130. It may be assumed that the running costs of the VC would decrease further with the introduction of an accountant/computer operator to take the place of the VCA as mooted by LGD. However, this proposal met with a mixed reaction in the field and on balance was ‘doubtful’ that it would work. The reasons can be summarized as follows:

- the burden on UPs is already high and the duties taken up with other local services (education, health) and maintenance of roads and buildings as well as water supplies and other matters will leave little time for this post to cover VCs adequately;

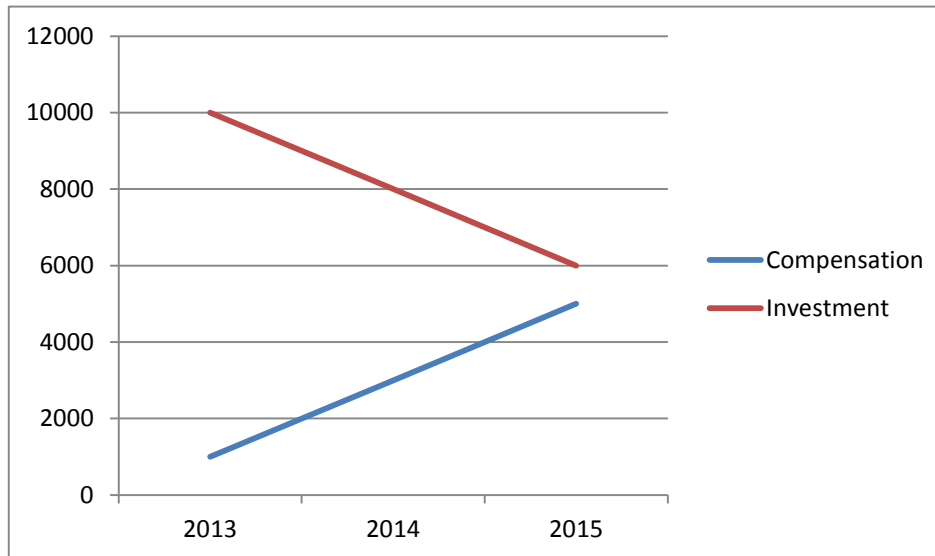
⁴⁶ Dispensing Justice Locally: A Study of Two Village Courts in Bangladesh, Sheikh Mohammad Balayet Hossain, 2012, North South University, Bangladesh

- the skills sets for the position are different from the VCA which places emphasis on social rather than technical skills (ie, petition writing and going out to meet with the community and explain the jurisdiction and procedure of the VC);
- as a government officer, s/he is not independent which is seen to be a key feature of the position; and
- the costs of employing a full-time dedicated VCA are affordable.

Making the economic case ...

131. Treasury and Finance need to be persuaded of the economic advantages of the VC 'model'. At present and not only in Bangladesh, the keepers of the national purse see justice services as a cost without apparent revenue.⁴⁷ The project shows strong signs at present that it is viable economically. [See: **Recommendation 10A**]

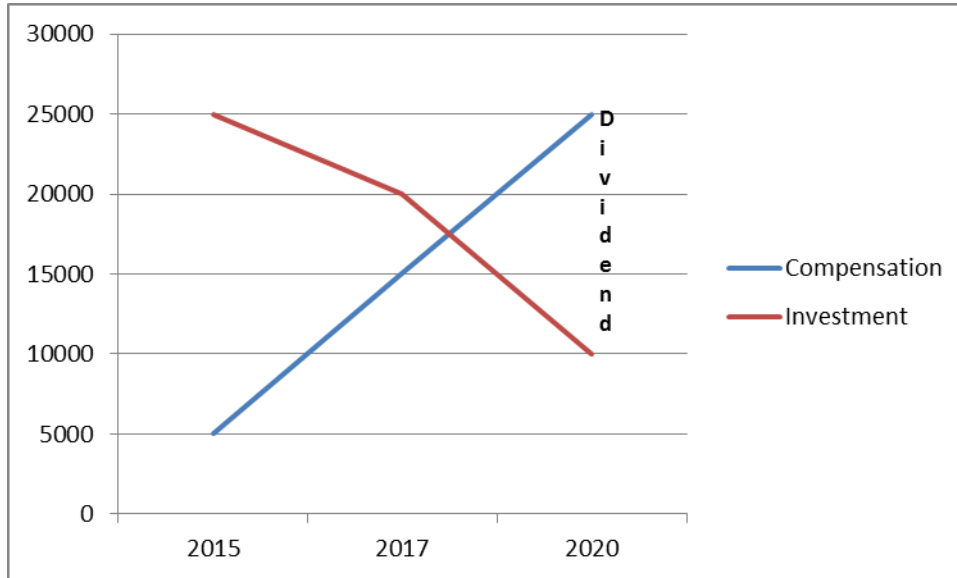
132. The period 2013-2014, should show whether the gap between investment and returns has narrowed even further as per the simplified graph set out below.⁴⁸



133. This would enable the PMT to project a trend in any second phase (2015-2020) and make the case for a positive return on investment as the VCs are scaled up across the country. The graph below projects how the economic case for the VCs could be presented to GoB:

⁴⁷ Save in Malaysia, where both the prosecution services and judiciary have been extraordinarily effective in collecting large sums for the treasury in terms of forfeiture orders made on organized crime gangs (prosecution) and fine collection (the courts) and both generate a surplus of revenue over cost.

⁴⁸ Note the data used here is merely illustrative. The project findings in mid 2014 should produce data to support this hypothesis.



Sustainability of impact

*If a project delivers a result that produces a social good and achieves a high impact then it should be sustained, if it is affordable.*⁴⁹

Activation

134. The ‘activation’ costs are high and therefore need to be kept to a minimum period. The costs of *ejlas* are fixed but the costs of training and sensitization can be reviewed and trimmed. For instance, the VCA can double as a field worker (as adopted initially by MLAA) and would save a significant salary. Training costs can be reduced by using LG facilities at Upz level and develop a cadre of VCA trainer/mentors, and so on. [See: **Recommendation 6**]
135. The time period for high cost inputs needs to be reviewed so that as early as possible they can be reduced to ‘running’ costs. To this end, criteria need to be developed to identify when a VC is considered to have been ‘activated’.⁵⁰
136. The MTR has noticed an apparent ‘rush’ to hand this over to GoB and cautions restraint. As one UP chairman observed at the Madaripur Roundtable meeting, the VC project can be compared to preparing a meal. At present the ingredients are all in the pot and the smells are appetizing but the meal is not yet ready and would be spoiled if taken off the heat now. A local government civil servant put it another way: ‘NGOs are already providing legal services to people. We cannot do everything. We have other projects to attend to. But they need to be pro-active.’

⁴⁹ Paraphrasing Stephen Golub, ‘Beyond Rule of Law Orthodoxy: the legal empowerment alternative’, Rule of Law series no 41 October 2003. Democracy and Rule of Law Project. Carnegie Endowment for International Peace.

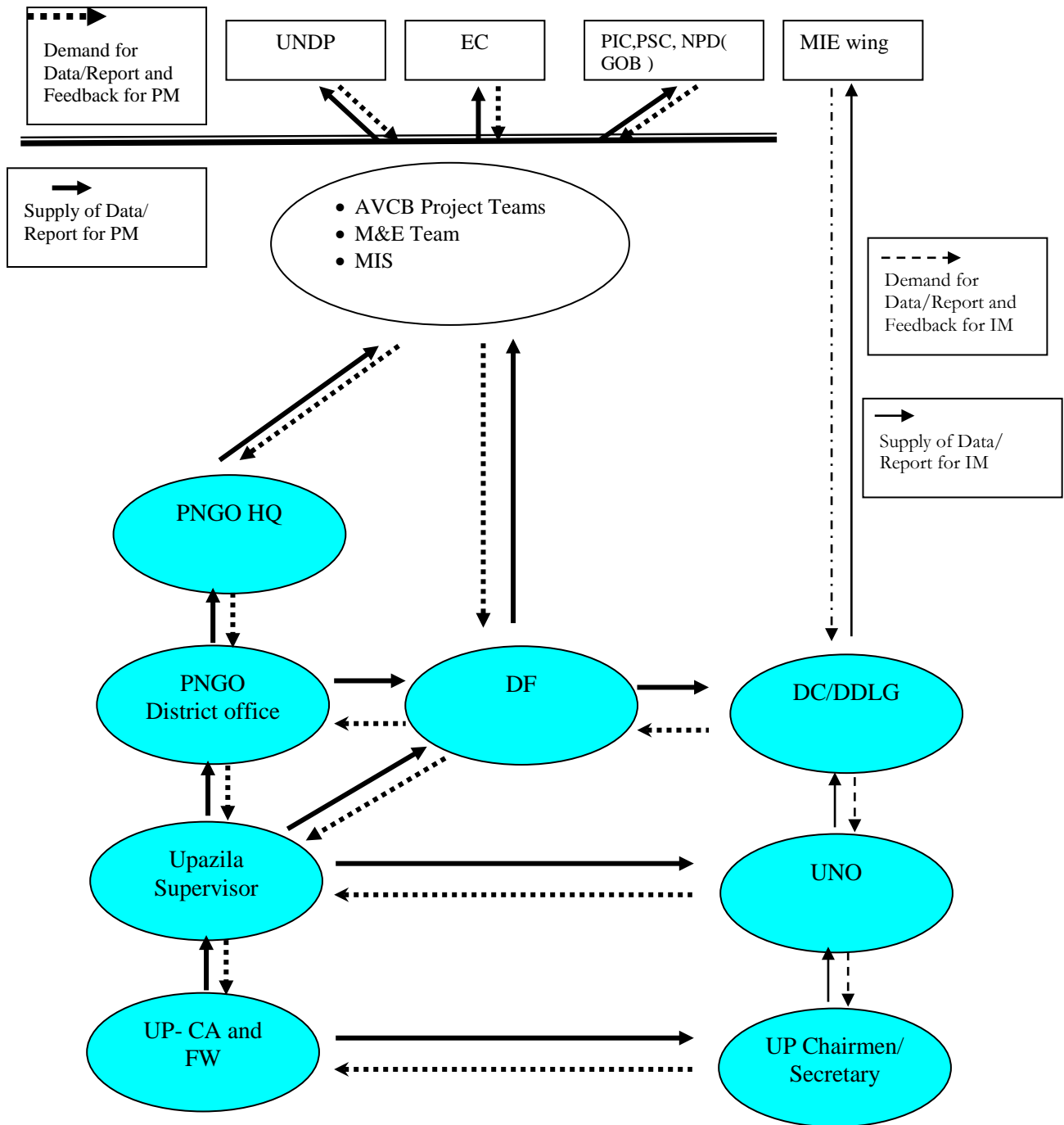
⁵⁰ In planning the scale up of the project, thought may be given to reducing the costs of the *ejlas* and promoting a rights-based approach by inviting prisoners in each locality to construct the necessary furniture.

137. The role played by NGOs is crucial because they are active, experienced, effective and independent. Relying on local government as the situation is at present appears not to be an option.

M&E

138. The VC has two inbuilt M&E mechanisms. The first is appeal. At present the figures on appeals are very low. This may reflect either that very few findings are appealable (most being unanimous or by 4:1) or general contentment with the way in which disputes are resolved. It may also be because the parties do not wish to encounter the kind of ‘harassment’ the VC seeks to avoid. This will need to be watched and provision made with the superior courts for a simple and quick way of dispatching these appeals so that they do not become ‘yet another’ backlog of cases to be processed.
139. The second is public confidence that is best indicated by the caseload. A falloff in new cases and increase in non-payment of compensation orders should trigger alarm bells that something is wrong. The project PMT and PNGOs combine with the LGD to provide a decentralized M&E system which appears simple and practicable.
140. The graphic below (prepared by the PMT), illustrates how both the PMT and PNGOs as well as the MIE section in the LGD, monitor the project in the 350 UPs. The MIE receives consolidated reports from districts which it then enters into a database and country report. The DVCMC receives consolidated reports from UNOs every six months and produces a consolidated report to LGD. The VCMC receives 6 monthly reports from the UP Chairmen. These management committees are relatively new and had yet to start meeting, for instance, in Kishorgonj. They also appear to have no budget and so are attached to Law and Order Committee meetings.
141. Periodic visits are conducted by the DC (twice a month), DDLG and UNO (four times each month) whereby each officer visits one UP and checks the registers.
142. UP VC also undertake ‘self-monitoring’ and post up data on the caseload in each VC in the form of a wall chart stating numbers of: cases in, disposed and pending, on a monthly basis. This chart was visible in several UPs visited by the MTR (though not all). Also the money transaction register detail the money paid in compensation with signatures of the parties and witness’ signature.
143. The high performance standards attained in 2012 (in terms of low cost, timeliness of case disposal and high rate of enforcement) need to be maintained. The growing access to computers and email will facilitate the communication of data sets from UP to UNO to DDLG and to MoLG. The growing capacity in the UP complex (through the UICS) could be exploited to facilitate data flow direct from the UP to the databases in the project and LGD.

Figure 2: Data and Reporting – Flow of Supply and Demand



Source: M&E Unit, PMT

X. Cross-cutting issues: gender, good governance, linkages / synergies

Gender

144. The subordinate role of women in the traditional *shalish* process is well documented. In some instances, women are not considered even as witnesses.⁵¹ VCs are seen to provide a forum that is open to women as evidenced by the 30% petitioners who are women. As one woman CBO members observed to the MTR in Chuadanga: ‘Previously women did not come out of their houses. Now they are beginning to come out and speak.’
145. However, there remains opposition and social barriers to petitioners (especially women) attending VCs and lodging a petition. This varies from the perpetrators (including local *mastaans*) and their supporters to family members (with reputational and social dignity issues in attendance) or ‘embargoes’ imposed by senior family members.⁵²
146. Support services to vulnerable groups are not generally available at the UP level other than through NGOs/CBOs. ‘Volunteer’ social workers are provided for by government but they were not in evidence during UP visits and it was observed to the MTR that these positions are vacant (because they are not supported by any government subsidy).
147. The potential role of the VC in curbing sexual harassment is well illustrated in one case study in the Impact Baseline Study:

Asma Begum, aged 44 years, lives with her husband, 2 sons and 3 daughters in village Manikbera of Milonpur union under Mithapukur upazila of Rangpur district. On her way to school Asma Begum’s adolescent daughter was used to be teased by a vagabond neighbour boy. Hearing the fact from her daughter, Asma Begum went to the family of the vagabond boy to lodge a complaint but the family instead of rebuking their son, harassed and physically assaulted Asma Begum (by their son). As a result Asma Begum was injured. Asma Begum first went to the village Matbors for justice but the village Matbors also took position in favor of the family of the vagabond boy, as the family was powerful in the locality. In this situation, Asma Begum went to the Chairman of the Union. Hearing the fact from Asma Begum, Chairman advised her to file a case in the Village Court. Asma Begum filed a case in the Village Court against the vagabond boy and his family in December 2011. The village court after reviewing the witnesses and the versions of the defendants and the complainant, found the vagabond boy and his family as guilty of charge. The accused begged apologies for the offense committed by them publicly in the village court. And also they promised not to indulge and recur such untoward behavior in future. Asma Begum when lodged complaint in the Village court was threatened by the family of the vagabond boy. It took 25 days to resolve the case from the date of filing it in the Village Court, and the financial loss of the plaintiff (Asma Begum) is Tk.1102. The breakdown of her costs is as follows: Tk. 2 as Court fees; Tk. 850 for her treatment; and Tk. 250 for the transportation costs.⁵³

Good governance

148. The closing gap between the UP and local community as a result of the advent of the VC illustrates the advantages of a service oriented approach. The VC brings more

⁵¹ Halim, p. 6-7

⁵² Review of Social Barriers and Limitations of Village Courts, 2010

⁵³ Impact Baseline Study, Case study 5, p42

people to the UP and enables the UP members to understand the dynamics and tensions in the community and deal with them openly. In turn this can give potent expression to what is meant by ‘participatory democracy’ and issues surrounding local accountability.

149. It is foreseeable that there will be a demand for other legal services for which the space currently occupied by the VC and VCA is well placed to act as a *hub*. A range of public private partnerships (as appear to be working well in the UICS) should be promoted to tap into creative and affordable measures for supplying these services. [See: **Recommendation 4**]

Co-ordination

150. Between local actors: The VC and VCMC offers enormous potential for local justice actors to cluster around and sort out local conflicts. As mentioned above, it is under-used by both police and (probably) the higher courts.
151. Between GoB and non-state actors: the success of the partnership between state and non-state actors is less common in the justice sector than it is, say, in the education and health sectors. However in many countries (rich and poor) there are signs that it can work to produce a win:win situation all round.⁵⁴
152. Between national NGOs: as the imprint of the VC is extended, the facilities provided by the court offer a shop window for other NGOs and service providers not directly involved with the project to showcase their services and extend the choices available to the local community.
153. Between donor projects: donor co-ordination is no worse in Bangladesh than in other countries as it appears to be a human condition that while everyone notes the importance of co-ordination no-one really wants to be co-ordinated. Aside from the EU, USAID, DFID and GIZ are in the process of initiating or scaling up a range of legal services which each contain components to complement the AVCB.
154. USAID: ‘Justice For All’ started in October 2012 with three components -
- i) improved delivery of public legal aid services in the formal justice system, including at the UP and UPZ levels;
 - ii) increased legal awareness/rights, focusing on the right to a lawyer before the courts; and
 - iii) improved delivery of services at the District Court.
- It has a total budget of \$8 million over 5 years. There is apparent scope for exploring closer links as concerns i) at the very least.
155. DFID’s Community Legal Services (CLS) is a five year, GBP12 million grant-making programme directed at civil society groups providing legal services with the

⁵⁴ The impact is most noticeable in the area of legal aid services and is promoted in the recently adopted UN Principles and Guidelines on Legal Aid in Criminal Justice Systems, adopted by the UNGA on 20 December 2012.

aim of reaching 10 million persons with legal services over 17 years and increasing the geographical reach 15% over the baseline. These services include: a) legal and human rights awareness; b) community mediation; c) legal aid and overarching research, advocacy and capacity building for NGOs. Specifically, CLS are contracting with MLAA to provide capacity building and a Village Court Assistant in 70 UPs. The legal awareness includes information on the VCs and ACs and opening dialogue with UP Chairmen. The CLS is identifying areas where there are no legal services. There appears to be potential cost-share activities with MLAA/CLS in some of the 70 UPs they have targeted, subject to discussions with GoB.

156. GIZ's Improvement of the Real Situation of Overcrowding in Prisons (IRSOP) is effectively a legal services programme that fields paralegals to provide advice and assistance to poor persons on the frontline of the criminal justice system. Its purpose is to link justice agencies at all levels to facilitate the justice process. After a two year pilot scheme in three sites (Bogra, Madaripur and Dhaka implemented respectively through BLAST, MLAA and BRAC-HRLS), the programme is to be scaled up to 40 districts and employ 450 paralegals (GBP 23 million over six years).
157. Two features of the GIZ programme that have a bearing on the project appear to be the establishment of Case Co-ordination Committees at the district level and presided over by the Deputy Commissioner and District Judge and the role of paralegals/DLAC members in the District Court. Discussions could be opened to explore collaborative engagement since a contributing factor to the reduction of prison overcrowding (like the reduction in case backlogs) is the degree to which the VCs are effective in dealing with petty criminal matters and so constitute an effective mechanisms for diverting such cases from the formal justice system and – too often for poor people at least – the inevitable sanction of a prison sentence.

XI. Lessons learned

Lessons learned from within the AVCB

158. **Administrative assistance for village courts.** One of the clear messages the MTR received in the course of the field visits was the high value given by all stakeholders to the *additional* position of VCA. The comparison between the UPs with a trained, dedicated VCA and those (the '12') without could illustrate the gap between the success and failure of the project and how it scales up.
159. The recruitment of this position is crucial for the effective functioning of a village court, given the other demands on a UP chairperson's time and the importance of transparent, well-kept records. It is also advanced with some force that the position of VCA be independent of government both to reassure the public and to monitor procedural and ethical compliance.

160. The cost of this position is not high and more than justified if the cost recovery projections in terms of compensation recovered and other societal benefits in a new phase are realized. How this would work in terms of financing need not be complicated. In many countries the state enters into ‘service contracts’ or ‘co-operation agreements’ with private service suppliers including NGOs to provide such services. The contracts detail the services to be provided and targets to be achieved and the supplier is assessed and held to account in the normal way.
161. *Working with the grain:* where government shows a willingness to enter into partnership, NGOs should be the first to seize the opening. The project PMT has shown deft diplomacy in encouraging state and non-state actors to move from opposing positions to a closer and more collaborative approach. The programme has benefited enormously from this.
162. The MTR is aware of a discussion within the project and government to move more towards ‘government ownership’ of the project as it scales up in a new phase. This discussion is both premature and misguided. Firstly, it is open to question in whom ownership of the VC properly vests. Certainly government should drive it, but there appears a strong case to advance that it is the local population who should ‘own’ it.
163. Secondly, the value added by NGOs is often not fully grasped. They are seen merely as an add-on cost and so superfluous to need. The example of the 12 UPs going off-track may be explained away for other reasons beyond the lack of support of PNGOs. In the context of Bangladesh, most NGOs have been clear sighted in identifying the needs and developing cost effective strategies to address those needs.⁵⁵

MLAA’s mediation model for instance has been adapted for use in Malawi, Sierra Leone, Enugu state (Nigeria) and in South Sudan. It is also being piloted in southern Portugal. What ‘sells’ the MLAA model is its simplicity, low cost and high actual and social returns on investment.⁵⁶

164. NGOs have been adaptable to change and where government has stepped in to take over responsibility, NGOs have withdrawn and moved their focus to other gaps in state services.
165. The concern here is that even were government to assume all responsibilities for the operation of the VC, while this would ensure sustainability in terms of financing, would it ensure sustainability in terms of impact? The programme at present appears to have combined the strengths of both local government and NGOs in activating the VCs. This partnership may be refined further to ensure that each makes effective use of the resources each brings to the programme in ways that further reduces

⁵⁵ See: The Asia Foundation, ‘Promoting Improved Access to Justice – Community Legal Service Delivery in Bangladesh, March 2007. It will be recalled that the AVCB emerged from a successful initiative taken by MLAA and has been based on the approach pioneered by that NGO.

⁵⁶ In 2010, of \$150,000 project spend, the MLAA recorded over \$1m in benefits accruing to the parties. MLAA Annual Report 2010

unnecessary costs (eg, in the organization of training, use of government venues and available pool of government trainers - such as: Youth Development Directorate, Women Affairs Directorate⁵⁷). It is foreseeable for instance that the government maintains a PPP with a NGO to provide technical and training support to these officials who then can take the responsibility for providing the training. NGOs can then play a role as independent monitors to ensure that trainings are being delivered effectively.

Lessons learned from outside

166. Primary justice services such as legal aid services, alternative dispute resolution (ADR) and VC type interventions not only produce a measurable return to the beneficiaries, they also produce ‘societal benefits’. The UN Principles and Guidelines on Legal Aid in Criminal Justice Systems (recently adopted by the UNGA) reminds states that these services promote ‘greater community involvement in the criminal justice system; reducing the unnecessary use of detention and imprisonment; rationalizing criminal justice policies; and ensuring efficient use of State resources.’⁵⁸ Seen as a public good, they move from being an obligation on government to become an investment by government since ultimately these services reduce the pressure on the government system.
167. Whether the nexus between these services and the reduction of poverty is made out is less clear, however.⁵⁹ What can be reasonably asserted is that without these services people are worse off.

XII. Going forward: building on strengths, exploiting opportunities, managing risks – options

168. The last ROM (2012) recommends a no cost extension of the project to December 2014. The MTR agree as the remaining period will allow the project to test various assumptions and develop a model for scaling up in any new phase.

Strengths of the VC

169. The position can be simply stated: before the activation of the VCs, people had no choice. They had to report their complaint to the police station and then proceed to court if they wanted a judicial settlement.

⁵⁷ In an Upazila, other than the UNO, the other officers are Fisheries Officer, Agricultural officer, Education officer, Health and Family Planning Officer, Project Implementation officer, Rural Development Officer, Livestock officer, Public health officer, Women Affairs officer, Social Welfare officer, LGED Upazilla Engineer, Youth Development officer and Upazila secondary education officer (http://dumkiupazila.com/duzp_articles.php?content_id=teo)

⁵⁸ UN Principles introductory paragraphs at 4. E/CN.15/2012/L.14/Rev.1

⁵⁹ See Carothers et al, Promoting the Rule of Law Abroad, 2007, Carnegie Foundation for International Peace.

170. Now they are free to choose how to settle their own disputes: ‘Local knowledge and local justice are more effective. We don’t need lawyers, police and even in some cases the UP chair! As a community, we can solve our own disputes.’

Opportunities

171. The VC appears to have established a bridge between the community and the lowest rungs of the state administration and between non-state justice mechanisms and the first tier of the state justice system. It also provides a referral mechanism for the superior courts (back to the community) and for the police. This has enormous potential implications for the administration of justice in Bangladesh – and further afield – and justifies further investment and analysis.
172. The make-up of the VC is crucial to public acceptance and is seen to be a major success of the 1976 legislation. This places Bangladesh in a rather unique situation. The Musalihati Committees operating in police stations in Pakistan and Musalihati Jirgas recently formed in Khyberpakhtunkwa (KPK) in the border areas of Pakistan are widely deemed to be flawed because the membership of these mediation panels are appointed by the police and traditional authorities respectively and not by the community or parties themselves.
173. In India, the ‘nyaya panchayats’ operated like the VCs and ‘blended characteristics of formal and traditional justice...not bound by the formal legal rules of evidence and procedure; their members were not legally trained; they had jurisdiction over civil disputes and minor crimes, but lacked the power to fine or imprison; and their decisions were subject to appeal into the formal courts.’⁶⁰ However they were deemed a failed experiment.⁶¹
174. ‘One key difference between nyaya panchayats and gram adalats is in panel composition. Nyaya panchayat members had permanent seats, and were elected by gram panchayat members. Fazlul Haq, founder of MLAA, considers the structure of Bangladesh village court panels to be the institution’s defining feature. Each party is guaranteed to have two panelists whom he or she respects, and the fifth is someone who is accountable, via elections, imperfect though they are, to the community at large.’⁶² Bangladesh’s experiment with Village Courts could have significant scope for adaptation to other jurisdictions where the poor are similarly ‘priced out’ of justice services. [See: **Recommendation 10B**]

⁶⁰ Das/Maru, 2011

⁶¹ ‘Citizens considered the nyaya panchayats foreign and inaccessible in relation to their own traditional justice institutions, but not legitimate or powerful enough for their most serious claims. So the vast majority of disputes . . . were resolved under traditional mechanisms while those willing and able to take their dispute further afield tended to bypass the nyaya panchayats and utilize the more formal state courts (Penal Reform International, 2001: 88). Several states formally banned the nyaya panchayats; by the late 1970s they were considered moribund (Penal Reform International, 2001; Galanter and Krishnan, 2004).15

⁶² Das/Maru, 2011

175. In Africa, the alchemy apparently achieved in the VCs is lacking in local courts in sub-saharan countries. Yet in the wealthier countries (such as the UK and USA), there is growing interest and investment in restorative justice mechanism and ‘community courts’ that take a neighborhood-focused, problem-solving approach to local crime and safety concerns.⁶³
176. At present, both the Village Court room and VCA’s room appear to command significant space at the UP Complex which is under-used. In the first instance, the space could be made available to other NGOs providing legal services through the CLS, USAID and GIZ programmes in particular.
177. More pro-actively, collaboration could be sought with these and other programmes to provide advice and assistance on a range of issues as well as referral to other services, such as NGO managed mediation or paralegals in the District Court, or local community police forums – depending on the nature of the matter.
178. In this way, the VCA can broaden the scope of legal services available. ‘People need assistance with land rents and referrals to other services. Government has issued instructions for social workers to assist at the UP level, but they are voluntary positions and the positions are vacant.’⁶⁴ The project could also inform and broaden the law reform agenda to explore possibilities of bringing the UP arbitration activities following the Muslim Family Ordinance 1961 under VC jurisdiction so that VCs become the center for local dispute resolution. At present, having this arbitration council separated from VC (as family matters) creates opportunities for the UP chairs to avoid VC and conduct shalish in the name of arbitration.⁶⁵ [See: **Recommendation 4**]

Weaknesses

179. The project has yet to define criteria for determining when a UP/VC has been ‘activated’.⁶⁶ The period 2013-2014 will enable the project to identify a number of new sites to test out the model for scaling up in any new phase by:
- identifying the time line needed to ‘activate’ a VC (from ‘start’ to ‘running’)
 - the real costs of start-up (and potential for internal mobilization of resources, such as attaching new VCAs as pupils to experienced VCAs to learn by doing)
 - the real costs of maintaining a functioning VC
 - the economic case for VCs

⁶³ See www.courtinnovation.org

⁶⁴ Madaripur roundtable meeting, MTR

⁶⁵ This was recommended by participants at the workshops conducted in the course of the Review of the Legal Framework of Village Courts (April 2012, p36) and could avoid jurisdictional issues by requiring such matters to be referred for mediation (as per the proposed amendment to the VC Act under new Sections 7A (p42).

⁶⁶For instance, UPs can be categorized into three (A, B, C) based on their VC performance with A categories being able to function well with minimal support and C categories at the opposite end. The project can then decide differentiated (costed) support services and ensure better and appropriate use of resources.

- a trajectory for increasing government input as the project scales up
- key criteria for successful implementation.

180. Outside the project sites, in the remaining 4,150 UPs, each UP is also required to administer a VC but without any support in terms of court bench (*ejlas*), court forms, training or assistance in the form of the Village Court Assistant and so ‘they are not able to perform [their duties]’.⁶⁷ The view of government is that the perceived success of the pilot project sites has excited interest and demand from neighbouring UPs outside the project areas. The flip side to this is that it risks creating resentment by mismanaging people’s expectations.

181. It is likely therefore that the incremental scale-up of the project will need to proceed at pace and therefore will require extensive advance planning and allocation of appropriate resources. [See: **Recommendation 3**]

Threats

182. The project has gathered momentum which needs to be sustained. The chronology suggests the closer engagement of GoB with the recruitment of the additional two NGOs has contributed greatly to this and is reflected in the project data which shows a steep growth in cases entering the VCs as well as significant returns in terms of compensation received from 2010, 2011, 2012.

183. While a sense of excitement is discernible at the potential of the project, it should not be unduly rushed. The foundations laid need to be properly tested before they are scaled up in any second phase and the economic case needs to be made to the Ministry of Finance to secure government support. The project must be able to demonstrate that:

- the VCs are not a ‘bottomless pit’ for government spending;
- once the start-up costs have been paid, operational costs show signs of being modest and containable;
- the compensation accrued to parties is significant;
- the savings to the state in terms of reducing cases into the courts is as yet negligible, but this can increase with closer co-ordination; and
- the societal benefits are appreciable. [See: **Recommendation 10A**]

184. The project needs to guard against falling victim to its own early success. It should, for instance, maintain its limited jurisdiction and handle those petty, minor and local cases it was designed to handle. As the amount of compensation increases so will the risk that the payments will become increasingly difficult to enforce affecting the VC’s credibility.

⁶⁷ Hossain, 2012

185. Development partners are unlikely to come in with substantial support to scaling up the Village Courts without a clear statement by GoB that it is serious about national coverage. Clear signs of government commitment will be in tabling the proposals for the amended VC Act and allocating the BDT Cr 70-80 in the next budget.

Options to 2014

186. The no-cost extension provides an opportunity to make the investment case to government and show case the VC to justice practitioners, NGOs and the wider public so that:

- it is integrated into the justice system as a whole and police/prosecutors routinely divert cases to the VC, courts refer cases back to the VC and
- it is seen as another essential service to which NGOs working in other fields can refer people.

187. The options before the project in the remaining period are:

- a) to continue in the 350 UPs and
 - expand the range of services available;
 - show case the best as a legal services *hub* in each UP;
 - embark on a national media campaign to promote VCs.
- b) to declare 338 VCs ‘activated’ and
 - downsize support to cover ‘running’ costs;
 - redirect resources to re-orient the 12 UPs with PNGO support;
 - establish new VCs in (neighbouring) UPs in consultation with LGD (and cost-sharing where possible - ie with MLAA/CLS).

188. Whatever the option selected, the project should consider convening an international conference on ‘community legal services’ to share the work that Bangladesh is doing with the community of practice internationally.

189. By the end of 2014, the project should be able to:

- project likely trends in caseflow (based on the increased caseflow from expanded jurisdiction and case referral); and
- project likely returns on compensation awarded;

as well as identify with reasonable accuracy the unit costs for:

- activating new VCs (for development partners); and
- running existing VCs (for GoB).

XIII. Recommendations

Recommendation 1: Extend the project for one year to December 2014 as a no-cost extension.

Recommendation 2: Re-orient the 12 UPs in Pirojpur and Sylhet by contracting with a PNGO(s) to hire the required human resources and carry out the training required.

Recommendation 3: Develop a flexible model for national scale up in a future second phase

Recommendation 4: Pilot a legal services ‘hub’ in several high achieving UP complexes.

As concerns programme design:

Recommendation 5: revise the project logframe for the period 2013-2014.

Recommendation 6: standardize training (in consultation with PNGOs and national training institutes).

As concerns legal reform:

Recommendation 7: In limiting civil jurisdiction, insert specific BDT values in *secondary* legislation (ie the VC Rules) rather than in the governing VC Act, but with reference to land disputes, limit the *area* of the land (eg 10 decimals) in the primary legislation (without reference to the land value in BDT).

As concerns research:

Recommendation 8A: conduct research into a) the impact on poverty of the VCs; b) criminal offending rates and trends and victimization; and c) the kind of legal services needed by community members – with emphasis on gender dimensions and vulnerable groups.

Recommendation 8B: commission an organizational development review of the project management structure that maximizes value for money in any national scale-up.

As concerns co-ordination:

Recommendation 9: include police, judiciary, the Bar in training and meetings. Obtain agreement for the VC to be listed as an agenda item in the Case Co-ordination Committee meetings with particular focus on early screening of cases coming into the CJMC and District Courts.

As concerns advocacy:

Recommendation 10A: elaborate an advocacy strategy that makes the economic and political case for VCs.

Recommendation 10B: link with DFID, USAID and GIZ to co-host an international conference on primary/community justice services.

Annex 1

Terms of Reference (ToR) for Mid Term Review of AVCB Project

1. Background

To ensure access to justice and facilitate social justice to the rural poor and vulnerable peoples the Local Government Division of the Ministry of Local Government, Rural Development & Cooperatives of the Government of Bangladesh (GoB) is implementing a project titled 'Activating Village Courts in Bangladesh' with the financial and technical support from EC and UNDP Bangladesh. The aim of the five year (2009-2013) project is to providing support to the local level justice system through activating village courts in specified Union Parishads (UPs). Initially the project targeted 500 UPs, however, during early 2011 the allocated budget was found insufficient to cover 500 UPs and therefore, following the second Project Steering Committee decision it was scaled down to 350 UPs under six divisions. The project comprised five thematic components i.e. Review of Legal Framework, Capacity Development, Advocacy and Communication, Programme Coordination and Monitoring & Evaluation. Many activities under each component are either underway or already been completed. Review report on Village Courts Legal Framework has been prepared and forwarded to LGD, draft amendment act is placed to LGD, various knowledge products are produced, initiatives are undertaken for mainstreaming village courts issue into the curriculum of various government training providing institutions (NILG, JATI, BCSAA etc.), institutional capacity assessment of the MIE Wing of LGD is completed. Out of 350 UPs, village courts started operating in 338 Union Parishads in full swing and are providing an accessible and economic local level dispute resolution services to the peoples. The project engaged four NGOs in four divisions (Dhaka, Khulna, Chittagong and Rangpur) for assisting LGD, local administration as well as UPs through undertaking awareness raising activities, carrying out social mobilization interventions, offering capacity building and technical supports to the beneficiaries and service providers to achieve the target of the project. In Dhaka and Rangpur division MLAA and ESDO have been working since September 2010 while in other two divisions Wave Foundation (Khulna) and BLAST (Chittagong) have started working from April 2011. LGD has attempted various initiatives to strengthen and enhancing the engagement of local administration in facilitating at the same time supervising the village courts functions at the UP level. District judiciaries, police, media, cross-sections of society representatives are oriented and sensitized for playing their respective roles in activating village courts and thus facilitate access to local justice services.

With the current trends of results and progress the project foresees a possible second phase of the project with a larger scale. Initial thinking and discussions are underway however; concrete initiative in this regard is yet to start.

2. Objectives of AVCB project

The overall objective of the project is to improve access to justice for disadvantaged and marginalized groups and enhance human rights systems and processes in Bangladesh. The specific objectives 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; and
- To strengthen local government institutions to be responsive to local needs and offer appropriate legal service through well-functioning Village Courts.

3. Output of the project

The expected outputs, as per the project document, of the AVCB Project are:

- 350 selected UPs are strengthened for activating VCs
- Monitoring and supervision function within MLGRD&C enhanced
- Capacity and knowledge of UP representatives, UP staffs and Village Police on VCs developed
- Awareness on VCs operation and functioning raised
- Village Courts legal framework reviewed

4. Geographical coverage of the project

Initially the Local Government Division (LGD) of the MoLGRD&C selected 500 UPs and issued a government order on February 2, 2010, later on, in early2011 the project reviewed the targets and selected 350 Union Parishads for implementation. Current distribution of selected UPs under AVCB project by division is as follows:

Division	Districts and No. of UPs (in brackets)	No. of Districts	No. of Upazilas	No. of Unions
Barisal	Pirojpur	1	1	7
Khulna	Chuadanga (30), Narail (15),Magura (14)	3	9	59
Sylhet	Sylhet	1	1	5
Rajshahi	Rangpur (33), Nilphamari (30), Lalmonirhat (25)	3	13	88
Chittagong	Chittagong (30), Cox'sBazar (25)	2	11	55
Dhaka	Kishorgonj (35), Rajbari (30), Gopalganj (30), Faridpur (41)	4	21	136
Total		14	56	350

5. Objective of Midterm evaluation:

To assess at what extent the AVCB Project is successfully achieving its desired outputs or results (short and medium-term), make strategic recommendations on how the Project and its partners can strengthen the programme for achieving the eventual objectives and to provide recommendations for a possible follow-up and expansion of the project (to government).

6. Scope of the work

The review is both output as well as policy oriented and in that case it would be focused on the overall implementation process, progress in line with project target, national policies, strategies and programmes and on the performance and relevance of the UNDP support in light of the said things.

In more specific terms regarding the progress of the programme the Review Mission will assess, but not limited to:

- To assess how far the activities and outputs of the programme aligned with the overall and specific objectives
- To assess how far the implementation modalities and strategy aligned with the objectives of the project
- To review the system, process, approaches and strategies followed implementing the interventions under AVCBP and define/recommend the more effective, efficient and beneficial ones for the remaining period of AVCBP;
- To measure the progress of the project in terms of the achievement of major outputs and execution of major activities and identify the areas where the project running behind the target with reasons with recommendation for reaching target;
- To review all the outputs generated against specific target and allocated resources in the last two and one half years;
- Document the lessons learned of the project which could be useful for remaining part of AVCBP and future program designing;
- To assess to what extent the project components are contributing towards achieving the overall objective, specific objectives and output of AVCBP;
- To identify the major factors influencing the achievement or non-achievement of the objectives;
- To assess the role of GoB and UNDP and its added value as being engaged in implementing and monitoring the AVCB Project as well as VC performance;
- To assess the implementation modality such as involvement of NGOs in the implementation of the program and their role;
- To assess how dispute resolution at UP level through VC contributes in reducing backlogs of case at upper level by reviewing different case statistics at UP;

- Project impact and outcome in general terms, and in specific cases to the extent that relevant information is available from sources, such as district level court statistics, local administration etc.;
- Quality of project cycle management as well as capacity development and institutional mainstreaming which foresees integration of village courts as a part of UP service delivery package;
- Management coordination and administrative issues, including the functioning of the institutional set-up, the possibility of the sustainability, the extent of the engagement of government counterpart, the quality and timeliness of progress reporting and financial management (including financial reporting, audits follow-up and financial management modality) as well as planning efforts (work plan and budgets);
- Suggest the modalities of working beyond the project duration with unspent amount, if any;
- Developments of the project context in Bangladesh with a focus on the risk log, issue logs and its mitigations measures;
- Considerations regarding cross-cutting issues, with special attention to gender equality;
- Review different documents i.e. Village Courts Act 2006, Village Courts Rule 1976, baseline study report, Social Barrier Survey Report, logical framework, project document, etc;
- Have discussion sessions with UNDP, donor, GOB, different partners/stakeholders, AVCB Project staff from different level, Partner NGOs, and other relevant organizations;
- Carry out field work to review VC performance and others project activities and achievements;
- Organize validation workshop at the end of the data collection and analysis with the cost of Village Courts project;
- Present findings to donor, GoB, and UNDP at the mid-point and the end of the evaluation.

With regard to the policy oriented progress, the review will focus on:

- Assess GoB priority and status in relation to the law amendment process;
- Review various Government Orders (GO) issued to local administration and UPs in relation to strengthening the functions of village courts;
- Institutionalization of the sustainability issue with regard to Monitoring and Evaluation system;
- Synergy and linkage with LGSP, Upazila and UP Governance Project for mainstreaming village courts as a service delivery package of UPs;

Regarding the programme development the review team will provide a recommendation on the way forward. This will be done from the perspective of consistency with GoB policy and priorities as well as consistency with the priorities of the UNDP as expressed in the UNDAF. In the context, the possibilities of other donors in joining the foreseen phase would be explored and indicated in the concept note also.

During the review period, it is expected the 'Community Legal Services' (CLS) programme of UKAID will complete its inception phase and 'Justice for All' programme of USAID will be in place. To the extent, the designing of both the programmes are relevant would be incorporated in the review report as well as reflected in the concept note for the second phase as avoiding any possible duplication and generating synergy among these interventions.

7. Methodology and Implementation plan:

In accomplishing the aforementioned tasks, the evaluation team will adopt both quantitative and qualitative methodologies like rapid assessment methods, key informant interviews, focus group discussions, collecting information for determining the overall effectiveness of the program. The review process should be participatory engaging Government high officials, implementing and donor partners, project concerns, key stakeholders and a wide cross-section of staff and beneficiaries. It should consider the diversified components/interventions of the overall project. The methods used for the evaluation may include the followings :

- Meeting or interview with key project personnel and stakeholders- EC, LGD, local government organizations, relevant government ministries, selected community participants, partner NGOs.
- Key informant interview with potential key stakeholders, civil society members and policy influencers;
- Focus group and group interviews with contestants and respondents - to determine benefits of the project, unanticipated consequences and possible areas of modification or redesign;

- Direct observations of activities through site visits-assess technical practices, quality of activities, confirm recorded outputs, assess impact of activities;
- Review of different study reports (baseline, impact baseline study, case study etc.) to measure the changes of target groups for achieving the results;
- Review of program records- to establish outputs and financial accountability;
- Review documentation of VC proceedings;
- Review of program and organizational documents-to assess institutional strengthening of various partners and organizations;

8. The Evaluation Team

The team will constitute the following members:

- One Team Leader (IC-International), with overall responsibility for providing guidance and leadership for conducting the assessment, and for preparing and revising draft and final reports. The Team Leader will be an international professional with significant experience across a broad range of development issues. It is estimated that workload of the team leader will be 25 working days and the task under the assignment will have to be done residing in the Bangladesh.
- One Team Specialist (IC-National), who will support the Team Leader and provide the expertise in specific subject areas of the evaluation, and will be responsible for drafting relevant parts of the report. The Specialist will be contracted to cover the following areas: programme management, evaluation expert, local justice expert, and broadly human rights and governance expert, and cross-cutting issues. It is estimated that workload of the team specialist will be 25 working days and the task under the assignment will have to be done residing in the Bangladesh.

9. Review Management Arrangements

The Review Team

The Review Team will be responsible for conducting the evaluation as described in section 6 and 7 of the ToR. This will entail, *inter alia*, preparing the inception report, conducting data collection, structured data documentation and analysis, presenting preliminary findings, conclusions and recommendations at debriefings and the stakeholder workshop, and preparing the first, second and final drafts of the assessment report as well as a draft Evaluation Brief.

Review Reference Group (RRG)

A review reference group will be established to discuss key outputs from the review process and provide comments to the review task manager. Led by the ERD focal point for the evaluation, the reference group will include representatives from:

- government stakeholders (ERD, IMED⁶⁸, Concerned Ministry/Division)
- key international development partners (EU, UNDP)

Phase 1: Data collection and analysis

Data collection –

- The review team should establish a tentative schedule of its activities in consultation with UNDP CO, RRG. The field visits and observations should normally be arranged through CO. The schedule may need to be further adjusted during the data collection.
- The team will collect data according to the principles set out in Section 7 of this ToR and as further defined by the RRG.

⁶⁸ Implementation Monitoring and Evaluation Division of the Ministry of Planning,

Data analysis –

The review team will analyze the data collected to reach preliminary assessments, conclusions and recommendations.

- Once the data is collected, the review team should dedicate some time (up to one week) to its analysis.
- Where possible, the review team should develop data displays to illustrate key findings;
- The outcome of the data analysis will be preliminary assessments for each review criterion/question, general conclusions, and strategic and operational recommendations;
- Once the preliminary assessments, conclusions and recommendations are thus formulated, the review team will debrief ERD, IMED, concern ministry (LGD) and CO to obtain feedback so as to avoid factual inaccuracies and gross misinterpretation.

Phase 2: Feedback workshop

A validation workshop will be organized by the team at the end of the data collection and analysis phase to present preliminary findings, assessments, conclusions and, possibly, emerging recommendations to the review reference group and other key stakeholders, and to obtain their feedback to be incorporated in the early drafts of the report. AVCB will provide financial support and technical assistance to the team in organizing the workshop.

Phase 3: Drafting and reviews

First draft and the quality assurance – The Team Leader will submit a complete draft of the report to UNDP within four weeks after the feedback workshop. UNDP will accept the report as a first draft when it is in compliance with the Terms of Reference, and satisfies basic quality standards. The draft is also subject to a quality assurance process through the Review Reference Group.

- Final draft and the verification and stakeholder comments – The first draft will be revised by the Team Leader to incorporate the feedback from the external review process. Once satisfactory revisions to the draft are made, it becomes the second draft. The second draft will be shared with EC, UNDP CO and Government of Bangladesh through ERD for factual verification and identification of any errors of omission and/or interpretation. The Team Leader will revise the second draft accordingly, preparing an audit trail that indicates changes that are made to the draft, and submit it as the Final Draft. UNDP may request further revisions if it considers it necessary.

10. Outputs/Deliverables

It is anticipated that the contracted firm will provide the following outputs to AVCB project, UNDP:

- An inception report including detailed action plan of the entire mission within first seven days of signing the contract;
- Meeting or interview schedule of the Govt. officials, UNDP and EC officials;
- Bengali and English version of data collection tools including the guidelines and sampling frame incorporating the feedbacks of AVCBP, UNDP before field level data collection;
- A debriefing on the last day of the field mission of the relevant UNDP authorities (including project), the Local Government Division, Dhaka and EC Delegation;
- Submission of draft review report (both hard and electronic versions);
- Organise validation workshop at the end of the data collection and analysis to present preliminary findings, assessments, conclusions and, possibly, emerging recommendations to the evaluation reference group and other key stakeholders, and to obtain their feedback to be incorporated in the final drafts of the report.
- Submission of 05 hard copies and electronic copy of Final Report including tools, and guidelines;
- The consulting firm will have to provide all soft copy of clean data. Data file must be of an internationally recognized format for future necessary use.
- Regarding the programme development with a view to a second phase of the project, the review team will provide a recommendation on the way forward.

11. Time frame of the assignment

This assignment can be for maximum of 25 working days over a period of 05 (five) weeks starting from August 2012 (tentatively 1-2 weeks for field mission, 1 week for interview with Govt. and donor partner's high officials and 2 weeks for report writing including the final report submission).

12. Background documents: The following documents will be provided to the consultant by UNDP/AVCB Project in order to perform the contract.

12.1 Core contextual documents

- Village Courts Act 2006
- Village Courts Rules 1976
- UP Act 2009

12.2 Core UNDP and NEX documents

- United Nations Development Assistance Framework (UNDAF)
- Country Programme Action Plan (CPAP)
- Country Programme document (CPD)
- Report on the Review of Governance Cluster Programme
- EU Country Strategy Paper Bangladesh including Midterm Review

12.3 Core programme documents

- Programme Document of Activating Village Courts in Bangladesh (2009-2013),
- Baseline Survey Report
- Report on Review of Legal Framework
- Draft copy of the Amendment of VC Act-2006
- Impact Baseline Survey Report
- Report on the Review of Social Barrier and Limitations of Village Courts
- M & E Tools, Techniques and Reporting Guidelines
- Report on the Institutional Assessment of MIE Wing, LGD and Decentralization Guidelines
- Report on Review of Village Courts Performance at Beneficiaries End
- Quick Reference Guide to Village Courts Decisions
- Easy Reference Guide to Village Courts Decisions
- Training Manual on Village Courts
- All Quarterly Progress Reports
- All Annual Progress Reports
- Field visit reports
- Approved AWP's 2009, 2010, 2011, 2012
- Monitoring visit reports
- NGO Performance Evaluation Reports for ESDO, Wave, BLAST and MLAA
- PSC meeting minutes
- PIC meeting minutes
- Approved Revised Technical Project Proposal (RTPP)
- FAPAD Audit Reports 2009, 2010, 2011
- EC ROM Reports 2009, 2010, 2011
- Copy of the NGO contracts
- Other knowledge products produced under the project intervention

Annex 2: List of people met with in the field**Chuadanga**

Name	Designation
Md Nazrul Islam	Project Coordinator-AVCB Project
Md Zahir Raihan	Coordinator , WAVE Training Division
Nurul Bashar Md. Abdul Kabir	Asst Coordinator (M & D) , AVCB Project
Md Mahbubur Rahman	Dist. Coordinator , AVCB Project
Md Asaduzzaman	Training Officer, , AVCB Project
Md Emdadul Hossain	M &D Officer, AVCB Project
Md AKM Nazmul Alom	Finance & Admin Officer, AVCB Project
Most Papia Khatun	Upazila Coordinator, Jibonnagar, AVCB Project
Most Jesmin Akthar	Upazila Coordinator, Damurhuda, AVCB Project
Md Sazibar Rahman	C B O member
Md Anwar Hossain	C B O member
Md Khaza Shahabuddin	C B O Convener
Most Hazera Begum	Women Leader
Most Noorjahan Begum	Women Leader
Most Khaleda Begum	Women Leader
Most Sharifa Khatun	Women Leader
Md Sahidul Islam	Youth
Md Al –Amin	Youth
Most Shahar Banu	Youth
Most Rumki Khatun	Youth
Md Ali Noor Bishwas	Imam
Md Ismail Hossain	Imam
Most Ambia Khatun	Village Court Assistant
Most Sonali Khatun	Field Worker
Md Abu Taher	UP Chairman
Md Jahangir Alom	UP Secretary
Md Hasanuzzaman	UP Member

Md Masud Reja Ratan	UP Member
Md Robiul Alom	UP Member
Md Shahidul Islam	UP Member
Md Robgul Alam	UP Member
Md Alam Ali	UP Member
Most Khaleda Begum	UP Member
Most Sharifa Khatun	UP Member
Most Mukti Begum	Petitioner
Md Dobir Uddin	Respondent
Mollick Sayeed Mahbub	D D L G, Chuadanga

Bhandaria, Pirojpur

Name	Designation	Organization
Mr. Anol Chandra	Deputy Commissioner (DC)	Pirojpur
Mr. Md. Mahbubur Rashid	Upazila Nirbahi Officer (UNO)	Bhandaria, Pirojpur
Mr. Md. Moshir Rahman Mridha	Chairman	Bhitabaria UP
Mr. Md Gulam Sorowar	Chairman	Bhandaria Sadar UP
Mr. Md. Shafiqul Kabir Talukdar	Chairman	Nodmula Shialkathi UP
Mr. Siddiqur Rahman Tulu	Chairman	Dhaua UP
Mr. Tanvir Hossain Talukdar	Chairman	Ikri UP
Mr. Md. Shahadat Hossain	Chairman	Telikhali UP

Madaripur (Roundtable)

Name	Designation & Organization
Md. Nur-Ur-Rahman	Deputy Commissioner
A.S.M. Ohiduzzaman Babul	Lawyer, Madaripur District Bar
SahanaShaily	Lawyer, APP Member, MLAA
KaziHumayanKabir	Vice President, MLAA
Sarder M. Asaduzzaman	Project Manager, AVCBP
Adam Stapleton	Team Leader, MTR Mission
Fazlul Haq	Secretary, MLAA
Khan Md. Shahid	Chief Coordinator, MLAA
Masumul Haq	Asst. Chief Coordinator, MLAA
HumayanLaskar	Coordinator, MLAA
Md. Ibrahim Miya	Coordinator, MLAA
AbulKalam Azad	Accounts Coordinator, MLAA
Md. Jamal Uddin	Senior Asst. Coordinator, MLAA
Subrata kumar Das	Project Coordinator, MLAA
AbdusSamadNayan	Training Coordinator, MLAA
Mahboob Hasan	Asst. Chief Coordinator, MLAA
JhumurMondal	CBO Member, Bajitpur Union

	Perished
Md. Alamgir Hossain	Member, kenduaUnion Perished
Sabina Begum	Member, PairpurUnion Perished
Sumona Aktar Rozi	Member, ModukhaliUnion Perished
Md. IdrisSikder	CBO Member, RastiUnion Perished
Abdul KuddusMollique	Chairman, MostafapurUnion Perished
M.A. Salam Khan	Chairman, Bahadurpur Union Perished
Advocate Babul Aktar	Chairman, GhatmajiUnion Perished
RaihanKabir	Chairman, Kendua Union Perished
MunshiHadisur Rahman	Chairman, ParuliyaUnion Perished
HaranidhiMondal	Chairman, Hatiara Union Perished
Jahidul Islam (Litu)	Chairman, Dignagar Union Perished
Dulal Khondaker	CBO Member, MoharaypurUnion Perished
AbulBasarMunshi	Member, OrakandiUnion Perished
Rawshonara Begum	Member, Bethuri Union Perished
Md. NuruzzamanChowdhury	Chairman, Eashangopalpur Union Perished
Adv. Sirajul Islam	Chairman, Gunbha Union Perished
Md. Abdur Rahim Fakir	Chairman, Baghat Union Perished
SogirHosainTokon	CBO Member, Dumaine
Abdus Salam	Member, Talma Union Perished
NargisAkter	Member, Aliabad Union Perished
Md. Atiur Rahman	Chairman, Kalikapur Union Perished, Rajbari
Md. AbdusSobahan	Chairman, Shorisha Union Perished, Rajbari
Md. Atarali Sarder	Chairman, Debgram Union Perished, Rajbari
Mos. Khodeza Begum	CBO Member, Mulghar, Rajbari
Md. Fazlul Haq	Panel , Chairman, Mulghar Union Perished, Rajbari
Mos. Chompa	Member, AlipurUnion Perished,

	Rajbari
SahabuddinLiton	Coordinator
Abu DaudShamim	Senior Asst. Coordinator
AliulHasnat Khan	District Trainer
Rajesh Dus	Accountant
Hafizur Rahman	Asst. Accountant
Abul Bashar Khan	Senior Asst. Coordinator
Md. Moniruzzaman	Asst. Coordinator
Abdul Malek	District Coordinator
Sirazul Islam	Upazila Supervisor

Rajbari.

Name	Designation
Zinat Nazneen	District Coordinator, MLAA
Taslim Hawladar	Asst. Coordinator, MLAA
Sania Sultana	Monitoring Coordinator, MLAA
Hasanuzzaman Kollol	Deputy Commissioner
Bipul Chandra Bishwas	DDLG
Rubina Ferdousi	UNO (Rajbari Sadar)

Kishoregonj & Sylhet

Name	Designation	Organization
Mohammad Samsu Uddin Khaled	Joint District Judge	Judge Court, Kishorganj
Md. Abul Kalam Azad	Upazila Nirbahi Officer (UNO)	Hossainpur, Kishorganj
A.K.M. Mahaboob Alam	Officer in Charge (OC)	Hossainpur, Kishorganj
Mr. Md. Senu Mia	UP Chairman	Mumurdia, Katiadi
Mr. Md. Sirazul Haque	M&E Officer	AVCB Project, UNDP
Mr. Mohitush Kumar Roy	District Coordinator	AVCB Project, MLAA
Mr. Faysal Ahmed	District Trainer	AVCB Project, MLAA
Mr. Abul Bashar Bepari	Asst. Monitoring Coordinator	AVCB Project, MLAA
Ms. Shukla Mallik	Supervisor	AVCB Project,

		MLAA
Mr. Md. Mubarak Hossain	Supervisor	AVCB Project, MLAA
Mr. Jweel Rana	Accountant	AVCB Project, MLAA
Ms. Shila Baroi	Office Asst.	AVCB Project, MLAA
Mr. Aminul Islam	Messenger	AVCB Project, MLAA
Nurul Islam	VC User	Achmita, Kishoregonj
Shilpi Rani Dey	VCA, Achmita	AVCB Project, MLAA
Md. Abul Kalam Azad	UNO	Hossainpur, Kishoregonj
Syeda Rahima Akhter	VCA	Shahedal UP, Kishoregonj
Ms. Sabera Akhter	Upazila Nirbahi Officer (UNO)	South Surma, Sylhet
Mr. Md. Khairul Afian Choudhury	Chairman,	Lalabazar UP, South Surma
Mr. Md. Osman Ali	Chairman	Tetli UP, South Surma
Mr. Md. Mahmudul Haque Shohel	Chairman	Muglabazar UP, South Surma
Mr. Md. Nurul Islam	Chairman	Daudpur UP, South Surma
Mr. Md. Kabul Ahmed	Member (Representative of the Chairman of Kuchai UP)	Kuchai UP, South Surma
Mr. Anamul Haque	Training Associate	AVCB Project, UNDP
Mr. Sakhawat Hossain	Superintendent of Police	Sylhet
Chittagong		
Alhaj Md. Abdul Mannan	UP Chair, Number 4 Shakpura UP,	Boalkhali
Mr. Nur Mohammad	UP Chair , Number 5	Boalkhali

	Saroatoli Union	
Ms. Dilshad Begum	UNO	Boalkhali
Mr. Khaled Mamun	DDLG	Chittagong
Partho Sarothi Barua	District Coordinator,	AVCB, BLAST
Shyamal Kanti Das	Assistant Coordinator	AVCB, BLAST
Morium Bibi	M&E Officer	AVCB, BLAST
Arunangshu Chakma	Coordinator, training	AVCB, BLAST
Md. Mohsin	Trainer	AVCB, BLAST
Md. Abdus Samad Azad	Coordinator, A&F	AVCB, BLAST
Fahmida Sultana	Coordinator, M&E	AVCB, BLAST
Md. Mahfuzur Rahman	Asst Coordinator, training	AVCB, BLAST
Md. Abdul Matin	Project Coordinator	AVCB, BLAST
Md. Mansur Ahmed	District Facilitator	AVCB, UNDP
Sara Hossain	ED	AVCB, BLAST
Mukti Ranjan Barua	Program Assistant, IT	AVCB, BLAST
Nikhilesh Bhattacharjee	PO	AVCB, BLAST
Farjana Kamal	AC A&F	AVCB, BLAST
Md. Abu Bakar Siddiqi	SM	AVCB, BLAST
Dhaka		
Fanrizzio Senesi		EU
Luc Paltzelt		EU
Robert Juhkam		UNDP
Young Hong Won		UNDP
Md. Salahuddin Khan		UNDP
Sardar M. Asaduzzamn	PMT	UNDP
Marina Ali	PMT	UNDP
Md. Mozammel Huq	Additional Secretary and NPD,	LGD, GoB
Shamima Begum	Joint Secretary and Focal Point	LGD, GoB
Mr. Sawpan K. Sarkar	DG, MIE Wing	LGD, GoB

Annex 3: Schedule of visits and meetings**BGD/07/007- Activating Village Courts in Bangladesh (AVCB) project**

Local Government Division (LGD)

Ministry of Local Government, Rural Development & Cooperatives

Mid-Term Review Mission 2013

Field Mission (27 January – 09 February 2013)

Programme Schedule*6th Draft: 2012-02-06*

TIME	ACTIVITY	VENUE	TEAM MEMBERS
26 January 2013			
	The MTR team arrives		
Day 01 (27 January , 2013)			
09.30-12.00	Meeting with AVCB Project Team	Project Office, H # CEN 10, R # 110, Gulshan-2, Dhaka	AVCBP team members, MTR Mission, SK
Lunch			
01.00 – 01.30	UNDP Security Briefing for Mission members	UNDP office	AS, FJ, SK
1:30-2:00	Meeting with UNDP Management	UNDP CO, IDB Bhaban, Agargaon	MTR Mission, SA, SK
3:00-5:00	Meeting with Government Officials and DG, MIE Wing	At the Ministry	NPD, Joint Secretary, Senior Assistant Secretary, AS, FJ, SA, SK
Day 02 (28 January, 2013)			
09.30 – 11.00	Work with Project Office	Project Office, H # CEN 10, R # 110, Gulshan-2, Dhaka	AS, FJ, SK, Young, Robert
11.00 – 12.00	Meeting with CLS (Community Legal Services) project	CLS Office, Gulshan	AS, FJ, SA
12:00 – 13:00	Briefing with EU Delegation, Dhaka	EU Office, Gulshan, Dhaka	AVCBP team, MTR Mission
	Lunch	Project Office	
14.00 – 17:00	Work with Project Office	Project Office, H # CEN 10, R # 110, Gulshan-2, Dhaka	AS, FJ, SK, Young, Robert
17:30-18:00	Fly to Chittagong and night halt	By Flight and Hotel Peninsula	AS, FJ and SA
Day 03 (29 January 2013)			
8:45-	Travel to BLAST Project Office at		

TIME	ACTIVITY	VENUE	TEAM MEMBERS
09:00	Chandgaon R/A		
09:00-10:00	Project presentation by BLAST	BLAST Office	SA, AS and FJ
10:00-10:45	Travel to Sakpura UP from Office		
10:45-11:30	Observe Courtyard meeting	Sakpura UP	
11:30-11:45	Travel to Saruatali Union		
11:45-13:45	<ul style="list-style-type: none"> • Meeting with UP representatives • Review VC's document 	Saruatali UP	
13:45-14:30	Meeting with CBO members and Youth group	Saruatali UP	
14:30-15:00	Travel to Boalkhali upazila	Saruatali UP	
15:00-15:45	Meeting with UNO (Boalkhali)	UNO Office	
15:45-16:45	Travel to DDLG office		
16:45-17:45	Meeting with DDLG	DDLG Office	
21 :00	Return to Dhaka by 9 pm flight		
Day 04 (30 January 2013)			
9:00-5:00 Pm	FJ and AS meet at the project office and finalize the field visit template	Project Office	AS and FJ
Day 05 (31 January 2013)			
Hartal			
Field Visit (01- 06 February 2013)			
1st option for field visit			
Day 06 (01 February 2013)			
11.00-18.00 pm	AS and SA move to Chuadanga and night halt at WAVE foundation training center	WAVE foundation training center	Night stay at LGED Guest House
Day 07 (02 February 2013)			
9:30-10:00	Travel to Padmabila, UP from WAVE foundation training center		AS and SA
10:00-11:00	Meeting with women leaders, religious leaders, CBO members and youth groups	Padmabila, UP hallroom, Chuadanga Sadar	
11:00-13:00	Meeting with service recipient	Padmabila UP, Chuadanga Sadar	
13:00-14:00	Lunch	WAVE foundation training center	

TIME	ACTIVITY	VENUE	TEAM MEMBERS
14:00-19:00	Travel to Pirojpur for Bhandharia	Night stay at Pirojpur	
Day 08 (03 February 2013)			
9:30-10:30	Meeting with DC and DDLG	DC Office, Pirojpur	AS, SA, DH
10:30-12:00	Travel to Bhandharia		
12:00-13:00	Meeting with UNO and UP Chairmen	UNO Office, Bhandaria	
14:30-17:00	Meeting with UP representatives and Secretary	UP	
17:00-19:00	Travel back to Madaripur	Night stay at MLAA training center	
Day 09 (04 February 2013)			
9:30-10:30	Project Presentation by MLAA	MLAA training center	AS and SA
10:30-13:00	Meeting with CS, Judge, etc. at Madaripur	MLAA training center	
13:00-14:00	Lunch	MLAA training center	
14:00-17:00	Travel to Rajbari	Night stay at Rajbari Circuit house	
Day 10 (05 February 2013)			
9:00-10:00	Meeting with DC, DDLG and UNO Rajbari Sadar	DC Hall room	AS and SA
10:00-10:25	Travel to Kalukhali upazila		
10:25-11:00	Meeting with UNO	Kalukhali upazila	
11:00-12:00	Travel to Modapur UP and meeting with UP representatives	Modapur UP, Kalukhali upazila	
12:00-12:15	Observe VC session hearing	Modapur UP, Kalukhali upazila	
12:30-13:30	Meeting with CBO members	Modapur UP, Kalukhali upazila	
13:30-14:30	Lunch		
14:30-15:00	Travel to Ujanchar UP, Goalanda upazila		
15:00-16:00	Meeting with UP representatives, service recipients and Village Police	Ujanchar UP, Goalanda upazila	
16:00-16:20	Travel	Debogram UP, Goalanda upazila	

TIME	ACTIVITY	VENUE	TEAM MEMBERS
16.30-17.15	Street Drama	Debogram UP, Goalanda upazila	
	Night Stay	Rajbari Circuit House	
Day 11 (February 06 2013)			
9:30-14:00	Tr Travel to Dhaka		
3.00-4.00	M Meeting with UNDP	UNDP Country Office	AS,FJ,SA,CD,ACD, SK
2nd option for field visit			
Day 06 (01 February 2013)			
FRIDAY			
Day 07 (02 February 2013)			
9:00am-13:00pm	Travel to Kishoregonj		
13.00-14.00	Lunch		
14.00-16.00	Meeting with AVCB-MLAA Kishoregonj Project Office		Night Halt at Kishoregonj
Day 08 (03 February 2013)			
9:00-9:30	Travel to Hosenpur Upazila		FJ and SH
9.30-12.30	Observe field activities, Meeting with UP representative, Meeting with Imams, Women leaders and VC Documentations	Hosenpur Upazila	
12:30-13.00	Travel Back to Kishoregonj		
13.00-13:30	Lunch		
13.30-3.30	Meeting with Local administrations DC/DDLG/UNO		Night Halt at Kishoreganj
Day 09 (04 February 2013)			
9:00-14:00	Travel to Sylhet		FJ, AK and SH
14.30-15.30	Meeting with UNO and UP Chairmen	South Surma UNO office	
15.30 – 16.00	Visit one UP and meeting with UP representative	Tetli UP	
16.00-16.30	Travel back to Sylhet		Night Halt at Sylhet
Day 10 (05 February 2013)			
9:00-9:30	Travel to South Surma		FJ, SH, AK
9:30-11:30	Visit one UP and meeting with UP representative and review VC	Lalabazar UP	

TIME	ACTIVITY	VENUE	TEAM MEMBERS
	documentation		
11.30 – 12.00	Visit one UP and meeting with UP representative and review VC documentation	Daudpur UP	
13.30-13.45	Travel Back to Dhaka		
Day 11 (06 February 2013)			
09.30 – 11.00	MTR team works on report writing		
11.00 – 12.00	Mission debriefs Young	BCP Office, Baridhara	AS, Young
12.00 – 05.00	MTR team works on report writing		
Day 12 (07 February 2013)			
09.00 – 09.45	Meeting with Justice for All Project, USAID	AVCB Project office	FJ, AS, SA
09.45-03.00	Meeting with AVCB Project Team	Project Office, Gulshan	FJ ,SA, Project Team
3.3 03.00-03.45	Meeting with GIZ	GIZ Office	FJ ,SA, AS
04.00 – 05.00	Debriefing with EC Delegation	EC Office	FJ, AS, SK, SA
Day 13 (08 February 2013)			
	FRIDAY Dhaka meeting with CS stakeholders and working on the report		
Day 14 (09 February 2013)			
09.00 – 05.00	Day-long sharing meeting with Project team	AVCB Project office	AS, FJ, Project Team
	AS leaves Dhaka		
17 February 2013			
10.30	Debriefing with LGD officials	LGD Conference Room	FJ, UNDP, Project team.

AS = Adam Stapleton, Team Leader, MTR Mission

FJ = Ferdous Jahan, Team Member, MTR Mission

NPD = National Project Director, Village Courts Project, Government of Bangladesh who is also the Additional Secretary of Local Government Division under the Ministry of Local Government, Rural Development and Cooperatives

JS = Joint Secretary of Local Government Division under the Ministry of Local Government, Rural Development and Cooperatives

SAS = Senior Assistant Secretary of Local Government Division under the Ministry of Local Government, Rural Development and Cooperatives

SA = Sarder Asaduzzaman, Project Manager, Activating Village Courts Project, UNDP Bangladesh
SH = Sirazul Haq, M & E Officer, Activating Village Courts Project, UNDP Bangladesh
SK = Salahuddin Khan, Programme Analyst, Democratic Governance Cluster, UNDP Bangladesh
AK = Anamul Haque, Training Associate, Activating Village Courts Project, UNDP Bangladesh

Annex 4**List of materials**

- Village Courts Act 2006
- Village Courts Rules 1976
- UP Act 2009
- UN Principles and Guidelines on Legal Aid in Criminal Justice Systems, adopted by the UNGA on 20 December 2012.

Core programme documents

- Programme Document of Activating Village Courts in Bangladesh (2009-2013),
- Baseline Survey Report, 2010
- Report on Review of Legal Framework
- Impact Baseline Survey Report
- Report on the Review of Social Barrier and Limitations of Village Courts
- M & E Tools, Techniques and Reporting Guidelines
- Report on the Institutional Assessment of MIE Wing, LGD and Decentralization Guidelines
- Report on Review of Village Courts Performance at Beneficiaries End
- Quick Reference Guide to Village Courts Decisions
- Training Manual on Village Courts
- All Quarterly Progress Reports
- All Annual Progress Reports
- Field visit reports
- Approved AWP's 2009, 2010, 2011, 2012
- Monitoring visit reports
- NGO Performance Evaluation Reports for ESDO, Wave, BLAST and MLAA
- PSC meeting minutes
- PIC meeting minutes
- Approved Revised Technical Project Proposal (RTPP)
- EC ROM Reports 2009, 2010, 2011

Background materials

- Access to justice in sub-Saharan Africa: the role of traditional and informal justice systems, Joanna Stevens, PRI, 2000
- Human Security in Bangladesh: In search of Justice and Dignity, UNDP, 2002
- Beyond Rule of Law Orthodoxy: the legal empowerment alternative, Stephen Golub, 2003
- Political economy of land litigation in Bangladesh: A Case of Colossal National Wastage, Abul Barkat, 2004
- Activating the Criminal Justice System in Bangladesh, Balenger et al, 2005
- Promoting Improved Access to Justice – Community Legal Service Delivery in Bangladesh, The Asia Foundation, 2007
- Promoting the Rule of Law Abroad, Carothers et al, 2007,
- From Rule of Law to Legal Empowerment for the Poor in Bangladesh, Ferdous Jahan
- The Shifting Role of Judiciary in Bangladesh: Re-Defining and Re-shaping the “Checks

- and Balances” in a Transitional Democracy, Ferdous Jahan and Asif M. Shahan
- Legal Empowerment: A Way Out of Poverty, Ferdous Jahan
 - Dispensing Justice Locally: A Study of Two Village Courts in Bangladesh, Sheikh Mohammad Balayet Hossain, 2012
 - Framing Local Conflict and Justice in Bangladesh, Maitreyi Bordia Das and Vivek Maru, 2011
 - Judiciary Choking – over 27 lakh cases stuck, Daily Star, 16 February 2013