

The Role of Village Court for Local Dispute Resolution: A Study on Mullapur and Tukerbazar Union

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Abstract: *Village Court is a statutory formal court under the provision of Village Court Act 2006. It is quasi-formal justice system and constituted for the easy and speedy trial of certain cases and disputes, under each union of the country. Village Courts has emerged in mid-seventies with a view to dispensing the justice in the rural area and improving the situation of Salish. To strengthen the village court, the Government of Bangladesh with the help of UNDP and EU has taken 'Activating Village Courts Project'. This study examines the role of Village Court for local dispute resolution and reveals that the activities of the existing village court has a variety of challenges such as the lack of fund allocation for village court, the shortage of personnel. It was an explorative research and conducted in two unions of Sylhet district. The sample was selected purposively and collected information with a semi-structured questionnaire. The study concludes with some recommendations and initiatives that are effective to build the village court as the best local dispute resolution mechanism and village court can play a vital role to ensure justice service in the rural Bangladesh.*

Keywords: Village court, Local dispute, resolution, justice system, union

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Introduction

One of the fundamental preconditions for ensuring development in rural Bangladesh is access to justice. Access to justice is the philosophy which is mostly rooted in the formal structure with designed roles as per the rules, procedures and arrangements for pertinent institutions, with policy frameworks, values etc. [1]. The formal judicial system is overburdened with pending cases [6]. So, ensuring access to justice for the people is always a big challenge for Bangladesh because, about 80% of total population lives in villages and around 40% lives below the poverty line [5]. About two-thirds of disputes do not enter the formal court process; instead they are settled at the local level, through informal settlement by the local leaders or informal local justice systems such as village court, or they remain unsettled (Human security in Bangladesh). The informal dispute resolution is relatively more accessible to the poorest members of the community and is relatively less expensive. The village courts could play a vital role in settling petty disputes in the rural areas and help the formal judicial system to decrease its burden [3].

The village Court is envisaged as a powerful dispute resolution mechanism to settle the local disputes of, both civil and criminal nature. The origin of the Village Court can be traced back to Panchayat system of ancient time, which as the body of elders was responsible for running village affairs including the settlement of disputes. According to the Constitution of Bangladesh, one of the fundamental aims of the State is to realize a society of rule of law, fundamental human rights, equality and justice. With this aim after the Independence of Bangladesh, it established Village Courts in the rural areas of the country by enacting the Village Courts Ordinance, 1976 and framing the Village Courts Rules, 1976 to ensure access to justice for the rural poor and marginalized people [11]. The Village Courts Act, 2006, which replaces and updates the village court Act of 1976 provides for the establishment of the village court in every Union Parishad. Already government with the assistance of UNDP has taken initiatives for strengthening VC. For the reason more study on VC is a rationale as a demand of time. Village Courts offer the justice services with low cost and short span of time locally. If the local disputes are resolved through village courts, it can lead to as the best resolution mechanism in settling disputes which will establish peace and unity at the locality.

The study aims and objectives to examine to the role of village courts for a platform for local disputes resolution. This study also identifies the challenges of the village courts and explores the mechanism to reduce these challenges.

Conceptual Construction

The role of village court for dispute resolution is dependent on several sets of legal factors. Using UNDP conceptual framework of process of access to justice, this study also has been focused on the following stages of access to justice: 1) legal protection, 2) adjudication, 3) oversight etc. The dependent variable of this study is role of village court for local dispute resolution which is determined by adjudication minor conflicts effectively, participation of community representative, people's satisfaction, speedy disposal of cases, legal awareness among service providers and service seekers. The independent variables of the research are legal factors, monitoring and supervision factors, psychological and economic factors as well as adjudication factors. These independent variables impact on the role of village court for local dispute resolution by different ways. In this research, challenges are the intervening variable between the relationship between independent and dependent variables. Because the intervening variable explains how and why the independent variable affects the dependent variable.

Methods and Data Analysis

This is the survey research followed by the quantitative and qualitative approaches. A quantitative method has been in used to explore the research objectives using both the primary and secondary data sources. This study has been conducted on two union councils/parishad namely Mullapur Union and Tukurbazar Union in Sylhet District. The research population selected from those people who have been faced village courts in any case. Areas of this study have been selected through stratified random sampling techniques among the list of all union parsihsads in Sylhet district. Sample of this study is 56 where the respondents have been split into two categories of sample unit, one is group the petitioner and offenders of village court selected where 36 persons have been reached through the purposively sampling techniques. The other groups of the respondents were 20 in number including the 2 chairman, 16 Members of village court, 2 Secretary of Village courts. Semi structured questionnaire.

containing close-ended and open-ended questions has been deployed the collected data were analyzed using

the SPSS. The qualitative data in this study has been analyzed followed by the narrative technique

Types of respondents	Number of respondents
Village court chairman	2
Members of village court	16
Secretary of Village court	2
Petitioner and offenders of village court	36
Total sample size	56

Demographic factors of the study

Demographic factors show the strength of the data and also validity and reliability of the study [6]. The table-1 represents the demographic information about petitioner and offender. The gender distribution of the respondents shows that male-female ratio is very different shown in the table-1. 72% of the respondents among petitioners and offenders are male who faces the village court functionalities while the remaining 28% are female. From the study the table-1 shows out of 36 respondents, the majority of the respondents 33% are found in the (51-60) age group mostly faces the village court functionalities in maximum, (41-50) and (31-40) age group of respondents are 22% and 11% respectively, (21-30) age group of respondents is 14%, and the 6% respondents between 61 and 70 age group faces village court sometimes and the 14% respondents between 71 and 80 age group faces village court functionalities in minimum. It is clear from the study that almost half of the respondents (28%) who have experienced with village courts are involved in business. Although as many as 7 types of professions have found among the respondents, 11% retired, 17% housewife, 11% gram police, 17% contractor, 8% agriculture and 8% government officials. It is also noticed that the businessmen are the regular visitor of the village courts.

Gender	N	%
Male	26	72%
Female	10	28%
Total	36	100%
Age group	N	%
21-30	5	14%
31-40	4	11%
41-50	8	22%
51-60	12	33%
61-70	2	6%
71-80	5	14%
Total	36	100%
Name of professions	N	%
Business	10	28%
Retried	4	11%
Housewife	6	17%
Gram Police	4	11%
Contractor	6	17%
Agriculture	3	8%
Govt. job	3	8%
Total	36	100%

Gender	N	%
Male	16	80
Female	4	20
Total	20	100
Age Group	N	%
21-30	2	10
31-40	8	40
41-50	2	10
51-60	4	20
61-70	4	20
Total	20	100
Profession	N	%
Housewife	4	20
Business	7	35
Govt. Service	5	25
Contractor	2	10
Politics	2	10
Total	20	100

Table-2 shows the gender distribution of the respondents of chairman, member and up secretary that indicates the male-female ratio is very different (80%) of the respondents were male while the remaining 20% were female. From the study, the highest percentage of the chairman, member and up secretary of village courts belong to the age group between 31 and 40 years (40%), between 41 and 50 (10%), between 51 and 60 years (20%). 10% respondents are in the group of 21-30 years and 20% respondents are in the age group between (61-70). The table also shows the profession business of the village court officials scores the highest (35%), the next higher percentage goes to Govt. Service (25%) and housewife (20%). All the female UP members are housewives. 10% of the respondents are involved in politics and the rest 10% of the respondents are contractor.

Table -3: Resolving the minor disputes

The table shows that over one-half of the respondents among petitioners and offenders of village court (72%) usually go to village court to resolve minor

disputes. 28% respondents appear to Salish to resolve minor problems. Both of the two unions, the gram adalat is practiced more in Mullapur union under Beanibazar Upazila other than Tukurbazar Union. Because the chairman attempts to settle the case at the Salish.

Types of response	N	%
Salish	10	28%
Gram Adalat	26	72%
District Court	0	0%
Other	0	0%
Total	36	100%

Table-4: Familiarity with the village court

The table reveals that 100% respondents among the petitioners and offenders of village court are familiar with the term “village court”. They opined that the dispute resolution in the form of village court led by union parishad is preferable to file the case.

Types of response	Count	Percentage (%)
Yes	36	100.0%
No	0	0.0%
Total	36	100.0%

Table 5: The nature of case (Civil or criminal)

It is found that respondents of the study areas are reported to be experiencing various types of dispute, which can be divided into civil disputes and criminal offences. Data relating to the types have been presented in the table. It appears from the table that 27.8% disputes are both criminal and civil in nature facing in the union parishad under study. The next greater portion of cases is civil (44.4%) in nature and then criminal (27.8%). Land-related disputes and family matter related (divorce related) disputes are very common in rural areas.

Types of response	N	%	Valid Percent	Cumulative Percent
Criminal	10	27.8	27.8	27.8
Civil	16	44.4	44.4	72.2
Both	10	27.8	27.8	100.0
Total	36	100.0	100.0	

Table 6: Facing complexities to get justice from Village Court

In the table, the study found that 66.7% respondents were not faced any complexities to get justice from the village court especially in Mullapur union under Beanibazar Upazila. 27.8% respondents were faces complexities especially in Takerbazar union to case their file. The chairman always tries to settle the case at the salish. But most of the cases remain without any arbitration. 5.6% respondent did not give any comments on it.

Types of response	N	%	Valid Percent	Cumulative Percent
Yes	10	27.8	27.8	27.8
No	24	66.7	66.7	94.4
No answer	2	5.6	5.6	100.0
Total	36	100.0	100.0	

Table 7: The nature of judgment followed by village court

The table reveals that the most frequent type or nature of judgment given by the village courts is the mediation (69%). Among 36 respondents, 25 said their cases were compromised after mediation among parties. At present, different types of nature of judgment like; physical punishment (0%) and socially separated (0%) are hardly seen given by the village court as a form of judgments. It is also found that 29% respondents said about compensation. If the case is beyond the jurisdiction of the village courts, they have been referred sending to the higher courts. Only 2% respondents opined that financial compensation not exceeding 75,000tk is given by VC. But it depends on the case of VC under study.

Nature of judgment	Count	Percentage
Compensation	10	29%
Mediation	25	69%
Physical punishment	0	0%
Financial compensation not exceeding 75000tk	1	2%
Socially separated	0	0%
All	0	0%
Total	36	100%

Table 8: Factors responsible for village disputes

Type of factors	N	%	Valid Percent	Cumulative Percent
Social factors	14	38.9	38.9	38.9
Economic factors	14	38.9	38.9	77.8
Political factors	4	11.1	11.1	88.9
others	4	11.1	11.1	100.0
Total	36	100.0	100.0	

It reveals in the table that 38.9% respondents said that the social factors are mainly responsible for occurring village disputes. Then, the 38.9% respondents opined that the village disputes are related to economic factors (i.e., economic status). 11.1% respondents said about political factor (especially during the election). Others like; the personal matter is responsible for village disputes exposed by fewer experienced respondents (11.1%).

Table 9: Satisfaction with the service of village court

The table shows that the respondents were asked about they are or are not satisfied with the service of the village courts, over one-half of the respondents (69%) among the petitioners and offenders of village court replied that they are satisfied with the service provided by VC. Whereas 31% respondents reported that they are not satisfied with the service of village courts. It is crucial to mention that dissatisfied respondents appear troubles to register their case. The chairman attempts to solve at the Salish session. 3% respondents were unwilling to give any comment on the question.

Types of response		N	%	Valid Percent	Cumulative Percent
Valid	Yes	24	66.7	68.6	68.6
	No	11	30.6	31.4	100.0
	Total	35	97.2	100.0	
Missing		9	2.8		
Total		36	100.0		

Table-10: Awareness about the composition, jurisdiction and authority of the Village Court

The table reveals that the greater portion of respondents (80%) among the chairman, member and UP secretary have said that they are aware of the composition, jurisdiction and authority of the village court and 10% respondents have no experience or a little knowledge about the composition, jurisdiction and authority of the village court. The other 10% remained silent when asked.

Type of response		N	%	Valid Percent	Cumulative Percent
Valid	Yes	16	80	88.9	88.9
	No	2	10	11.1	100.0
	Total	18	90	100.0	
Missing	System	2	10		
Total		20	100		

Table 11: Power of village court

It is found in the study (Appendix-A) 50% respondents agreed with the statement that the power of the village court is sufficient to settle the village disputes. 25% respondents disagree, 17% were slightly disagree and 8% were strongly disagree with the statement that the power of the village court is sufficient to settle the village disputes.

Table 12: Budget allocation for the Village Courts

The table reveals that greater portion of the respondents (95%) said that they do not get any budget to run the village court. A small portion of the respondents (5%) said that they have the budget to run the village court.

Yes		No		Total	
Count	%	Count	%	Count	%
19	95%	1	5%	20	100%

Table 13: Training

The table shows that the greater portion (55%) respondents said that they have not received any training about village court to settle the disputes. The rest 45 % of the respondents said that they have not received training about village court to settle the disputes coordinated by Upazila Nirbahi Officer.

Types of response	N	%	Valid Percent	Cumulative Percent
Yes	11	55	55	55
No	9	45	45	100
Total	12	100	100	

Table 14: Peoples' Trust on Village court

The Table shows that the majority of the respondents (90%) among the chairman, member and UP secretary replied that they think people have trust on the village court. 10% respondents think that few of them have trust on the village court. No one gives negative answers of this question.

Yes		No		Few of them		Total	
Count	%	Count	%	Count	%	Count	%
18	90%	2	10%	0	0%	20	100%

Table 15: Submitting progress report to UNO

The table shows that 90% respondents said that they submit the progress report to the UNO (Upazila Nirbahi Officer) periodically at least within six months. But there is a legal basis to submit the report within 3 months. The rest 10% of the respondents said

that they do not submit the progress report to the UNO.

Types of response	N	%	Valid Percent	Cumulative Percent
Yes	18	90	90	90
No	2	10	10	100
Total	20	100	100	

Table 16: UNO Supervision Over Village Court

The table reveals that 95 % respondents replied that the UNO keep supervision over the village court, even they added that DC, LGD and NGO's also monitor the union parishad periodically. While 5% of the respondents said that the UNO don't keep supervision over the village court.

Types of response	N	%	Valid Percent	Cumulative Percent
Yes	19	95	95	95
No	1	5	5	100
Total	20	100	100	

Table 17: Problems faced by village court officials

The graph shows that the greater portion (65%) of the respondents said that lack of budget is a major problem while conducting village court especially in the Mullapur Union. The second larger 35% respondents said about the lack of cooperation. Threatening is hardly seen while conducting village court. None of them respondents said about threatening.

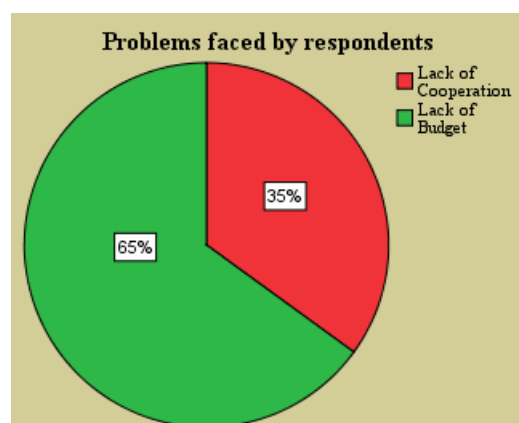


Fig-1: Problems faced by respondents

Opinion about why people come to village court

The respondents among the chairman, member and UP secretary were asked why people come to the village court in their opinion. Then it is found from the study, in response to the question, most of the respondents in both unions stated that people come to village court for getting a free trial and judgment within a short time. Sometimes people come to village court if the Gram Panchayat fails to solve the problem. One-half respondents stated that the shalish is coordinated by the member and chairman where maximum disputes are mediated by arbitration. Most of cases are settled in the village court because people trust on it. Some of the respondents said that the administrative level court (formal court) have many problems to register the case, comparatively Village Court is easy to access to get justice. The judgment of the village court is mostly the mediation and arbitration. Respondents said that people are satisfied with the village court because they come village court not to face any harassment like formal court. Two respondents the judgment of village court was always neutral and if the case registered to the high court, it took a long time to dismiss. The people come to village court for the speedy disposal of cases and avoid pending of cases. Few of the respondents said that people come to village court to get fair justice and consolation.

Problems faced during settling the disputes

The respondents were asked what type of problems faced in settling the disputes. In response to the question, the majority of the respondents said that they did not face any serious problems in settling the dispute. Few respondents said about the problem of timing when the village court sit, sometimes opponent party did not come in time. Then the judgment of the cases remained pending. The UP secretary of Mullapur Union Parishad said that most of the times, chairman and member are unwilling to understand the order sheet. It is one of the barriers to settling the disputes. A small portion of respondents said about influential rural elites. Influential rural elites sometimes create disorder during settling disputes.

Suggestion to make the village Court as dispute resolution mechanism

Finally, the respondents were asked about what their suggestions for the better performance of the village court as dispute resolution mechanism. In response to the question, most of the respondents said that there should have a sufficient human resource to support

the functionalities of the village court. Some of the respondents stated that there should be arranged training program for the chairman, member and UP secretary to be skilled them about village court. Respondents also suggested that the administrative and financial capacity or jurisdiction should be increased of the village court officials. They recommended forming a committee which will force the petitioner and offenders to be present. The UP secretary suggested that a court assistant for filing and registering the case and preparing the order sheet should be appointed. Only he can not handle all the activities of the village court, he works associated with the 17 departments of UP. The specific chairman should be appointed for the village court along with chairman. The UP chairman have many responsibilities, sometimes he can not give time to settle the disputes. Few respondents suggested arranging seminar and workshop to inform the people about the power of chairman and member. Because sometimes the verdict denied by the petitioner or offender. Respondents said about the allocation of fund for the village court. Administrative support for the advertisement of village court and coordination between government and union parishad to strengthen the village court, proper utilization of the prescribed power are suggested. Some of the respondents have no demand for VC, few opined that the VC have no problem, all support mechanism are sufficient. Respondents of the study area suggested keep informed the act of village court.

Findings and Discussion

The study aims to identify the role of the village courts for local dispute resolution. The respondents of the study mentioned different perspectives which indicate the effectiveness of the village court as well as some barriers of village courts. But most of the respondents get a free trial from the village court.

Study reveals that at present public has sufficient knowledge about village court especially in Mullapur union. The study also found general people prefer village court because easy to access, with the minimum time requirement for the disposal of the cases in the village courts. They also added it is less harassment, better and fair judgment get from this court.

The most of the disputes or cases came to village courts are civil in nature. The study reveals that mainly village court deals with civil cases where

family matter, land disputes and divorce-related disputes are most prominent.

The study reveals that most of the respondents aware of the jurisdiction, composition and authority of village court. Few of the members have poor knowledge about village courts procedure in Mullapur union and female members of the Tukerbazar union are inexperienced with justice system of the village courts. They somehow follow the manual of the village courts.

The study reveals that the majority respondents are really satisfied with the overall activities of the village court.

The study reveals that the power of the village court is not sufficient. The financial jurisdiction not exceeding 75,000 tk is a barrier to filing the case. If the offender is dissatisfied with the legal verdict of the village court, the village court has no power to take any action or punishment against the offender. Since the power is limited, the trial of the case became lengthy. If the village court is empowered, the activities will be spread throughout the county.

All the activities of village courts are handed over to the UP secretary. Only UP secretary have the knowledge of the legal provision of the village court.

The study reveals there is no fund allocation for the village court. The village court runs by their own budget. It is the additional expenditure for the union parishad. The tukerbazar union has their own budget to run village court. But mullapur union has a very poor budget. The study also found that the supervision of UNO is strong. UP chairman send the progress reports to the UNO periodically.

The study found that lack of skilled manpower. One gram police are appointed in each ward of the union. The court has many works. It's not handled without sufficient support.

Some suggestion were found from the respondents during the study and these are the jurisdiction of the village court should be increased, the assistant clerk should be appointed, the sufficient skilled manpower should be recruited to operate the village court properly and separate budget for the village court should be allocated, a committee should be formed to enable the petitioners and offenders to present to the court in time.

6. Conclusion and Recommendations

Village courts were established in 1976 by an ordinance and at present the village court Act 2006 had replaced the old law to save the people from the lengthy judicial process of formal courts. The village court is one of the effective dispute resolution mechanisms which are playing tremendous roles in resolving local disputes amicably. In Bangladesh, the formal justice system is under terrific pressure and the backlog of cases at present stands nearly half a million. So, the village court can help to bridge between Bangladesh's formal and informal justice institutions in providing a fair arbitration process leading to delivery justice and human security. The study found that the satisfaction level of its justice is high standard, but the facilities of the village court is very poor comparatively than the unions which under the Activating Village Court Project. The lack of sufficient training and the administrative as well as logistic support is the major barrier for the village court. The village courts are performing an effective role in maintaining peace but the legal awareness among the general people and village court officials creates constraints to the justice system. The legal awareness of the service provider and seeker and proper monitoring and supervision should be developed. So, it is necessary to strengthen and promote village court and to allocate more resources for the prevention and resolution of local minor disputes. Finally the government has to take such initiatives like AVCP so that village court can perform better as an effective dispute resolution mechanism in the rural area.

The village court is an important way to decrease the case load of the formal justice system; it should be perfect and played a role for local dispute resolution at local level. To develop its activities, the study got some suggestions from respondents, as follow:

1. The power of village courts should be increased with respect to jurisdiction. The pecuniary jurisdiction of the village court should be extended up to 2 lakh taka instead of 75,000.
2. Most of the unions have a lack of logistic support such as separate room for VC. So, the logistic support as well as administrative support from the government should be provided for making village court as the best and powerful dispute resolution mechanism.
3. The necessity of appropriate and skilled manpower in village courts. The post of court assistant should be created and trained up properly to perform the activities of VC.
4. The training program about village courts especially legal and procedural aspects for VC officials should be arranged and the separate fund for village court should be allocated.
5. People should be encouraged to build awareness about the jurisdiction and authority of the village court by taking government initiatives such as seminar, workshop.
6. Coordination between higher authority government and union parishad should be strengthening to make the village court more effective

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