

Assessing the Effectiveness of the Village Court (VC) System in Promoting Access to Justice: A Case Study of Two Selected Villages in Noakhali, Bangladesh

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Abstract

This study aimed to assess the effectiveness of the Village Court (VC) system in promoting access to justice in rural Bangladesh. The formal legal system in Bangladesh is expensive and time-consuming, making it difficult for underprivileged rural people to access justice. The VC system is a combination of formal and informal dispute resolution processes and has been initiated by the government to address the demand for access to justice for rural people. However, several obstacles have hampered the efficacy of the VC system, making it impossible to acquire public satisfaction in the justice process. This case study examines the effectiveness of the village court system in promoting access to justice in two selected villages in Noakhali district, Bangladesh. The study evaluates various factors that impact the success of the village court system, such as policies, procedures, acts, rules, oversight mechanisms, legal awareness, and resources available to Union Parishad officials and community members. The findings suggest that while the village court system is functional in some areas, it heavily relies on government-supported projects and is largely ineffective outside of these areas. The study provides recommendations for improving the effectiveness of the village court system, including necessary amendments to the village court act/rules, proper government monitoring and supervision, improved financial and human resources for the Union Parishad, and greater accountability and competency of all stakeholders. By addressing these issues, the village court system could become a vital tool for promoting access to justice in rural Bangladesh.

Keywords: Access to Justice, Village Court, Union Parishad, Formal Justice Mechanism, and Bangladesh.

1. Introduction

The Village Court (VC) system is an innovative mechanism for dispute resolution at the grassroots level in Bangladesh. It is a community-based justice system that aims to provide easy, affordable, and speedy access to justice to the disadvantaged and marginalized sections of society. The VC system is recognized as an effective means of promoting access to justice and has been instrumental in resolving a wide range of disputes in rural areas. Access to justice is one of the indispensable principals of the rule of law. According to the Article 1 of United Nations Universal Declaration of Human Rights (1948) "All human beings are born free and equal in dignity and rights". Therefore, all human beings should have equal access to justice when their dignity or their rights are infringed upon. According to Article 27 of Constitution of the People's Republic of Bangladesh, "all citizens are equal before law and are entitled to equal protection of law." However, deficient or discriminatory justice systems can undermine the basic principle of access to justice. When equal access to justice cannot ensure by such system for all, then human dignity will place at risk. Ensuring access to justice for the people is always a big challenge for Bangladesh, because about 80% of total population lives in villages. Among of those around 40% lives below the poverty line (Bank, 2018). Article 31 of the Constitution of the People's Republic of Bangladesh provides that, "To enjoy the protection of the law, and to be treated in accordance with law, and only in accordance with law, is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Bangladesh, and in particular no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law". Again Article 35(3) states that, "Every person accused of a criminal offence shall have the right to a

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speedy and public trial by an independent and impartial court or tribunal established by law". But there are many obstacles to ensure equal benefits of access to justice for all people.

Legal, institutional, political, social culture actively and passively created obstacles for equal access to justice. Among the obstacles, the complexity of justice system is one of the major obstacles for village people to access to justice. Most of the village people do not understand the complex procedure of the existing justice system. As in the formal justice system, masses have to bear court fee, travel fee, lawyer fee, process fee but large number of village people don't have such financial and other logistic support to get the justice from the judicial system. The access to the formal court is extremely confined for the rural poor people because 8 out of 10 Bangladeshis live in villages and most of the formal courts are situated in urban centers (Biswas, 2008). Therefore, large segments of the population who have lack information or means to surmount the significant substantive and procedural barriers seek formal judiciary to redress their grievances. That's why, after the independence of Bangladesh, to ensure equal access to justice to the villagers irrespective caste, class and religion, the government enacted Village Courts Ordinance, 1976. The idea behind the enactment was to resolve disputes within a short span of time which also required poor litigants to spend a small amount of money to obtain justice. The ordinance had been shelved until its recent revival. The ordinance was repealed by the enactment of the Village Courts Act, 2006 (Amendment 2013). The Act was also promulgated to settle petty disputes in rural areas and the disputes are both civil and criminal in nature. Village courts providing villagers with an alternative of less expensive means of dispute resolution near their homes.

The Village Courts in Bangladesh are established with the objectives that poor village shall get easy access to justice without any cost and freed from accepting unwanted decision given by the dominant or elite classes of village in the name of justice. Disputant parties can also be able to solve their problems by themselves with a little or necessary assistance of the third-party mediator from these dispute resolution forums.

However, the effectiveness of the VC system in promoting access to justice has not been thoroughly investigated, particularly in the context of Noakhali district in Bangladesh. This study aims to assess the effectiveness of the VC system in promoting access to justice by conducting a case study of two selected villages in Noakhali district.

The study will focus on the accessibility, affordability, speed, quality of justice, and community involvement of the VC system in the two selected villages. By examining these factors, the study aims to identify the strengths and weaknesses of the VC system in promoting access to justice and provide recommendations for improving the system.

The study is significant because it will contribute to the existing body of knowledge on the VC system and provide insights into the effectiveness of the system in promoting access to justice. The findings of the study will be of interest to policymakers, practitioners, and researchers in the field of justice, particularly those concerned with improving access to justice for marginalized communities in Bangladesh.

In the following sections, the study will provide an overview of the VC system, review relevant literature on access to justice, and present the methodology and findings of the study. The study will conclude by discussing the implications of the findings and providing recommendations for improving the VC system in Noakhali district.

1.1. Objectives of the Study

The primary goal of this study is to assess the effectiveness of the Village Court (VC) system in promoting access to justice in Noakhali district, Bangladesh. Specifically, this research aims to achieve the following objectives:

- a) To identify the legal and practical constraints that impede the proper functioning of the Village Court system.
- b) To identify the factors that promote or hinder access to justice through the Village Court mechanism.
- c) To evaluate the effectiveness of the Village Court system in promoting access to justice in the rural areas.
- d) Investigate the level of accessibility of the VC system in two selected villages in Noakhali district.
- e) Identify the strengths and weaknesses of the VC system in promoting access to justice.
- f) Provide recommendations to improve the VC system in Noakhali district.

3. Justification of the Study

The legal system in Bangladesh is facing significant challenges, including high caseloads and limited resources. With a backlog of nearly 500,000 cases, many people, particularly those in rural areas and vulnerable groups, face prohibitive costs and a lack of knowledge that restricts their access to formal justice mechanisms (Sarker, 2013). This lack of access means that people are unable to have their voices heard, exercise their rights, or challenge discrimination. However, Bangladesh has a long tradition of rural local self-government dating back to ancient times, and the Union Parishad (UP) plays a significant role in local level administration, including the settlement of local

arbitrations through Village Courts. Despite the existence of this village justice mechanism for over four decades, the government has not conducted any study to evaluate its effectiveness or assess whether it is meeting its intended objectives.

The Village Courts Ordinance was enacted 44 years ago and was repealed by the enactment of the Village Courts Act, 2006 (Amendment 2013), but has not been reformed to reflect economic and social changes. While a baseline survey was conducted in 2009 by the Government of Bangladesh with the assistance of UNDP and the European Union, and the 'Village Court Activation in Bangladesh' project was launched to strengthen the local justice system in 500 union parishads, no comprehensive study has been conducted to assess the performance and effectiveness of village courts in promoting access to justice for disadvantaged and marginalized people. Some NGOs and private individuals have conducted studies on village courts, which suggest poor performance and unsatisfactory outcomes. Therefore, an in-depth study is needed to identify the problems and challenges facing the rural justice system (Village Court) and evaluate its effectiveness in promoting access to justice for village people in Bangladesh.

This study focuses on two Village Courts in Noakhali district, one selected from the 'Activating Village Courts Project' - Char Wapda Village Court under Subarnochar Upazila - and another outside the project area - Ashwadia Union Village Court under Noakhali Sadar Upazila. By conducting a local context analysis and examining people's perceptions of village courts and social norms, this study aims to analyze the extent to which the existing rural formal justice system fulfills the access to justice needs. The specific objectives of the study are to identify legal and practical constraints associated with the Village Court, identify indicators and barriers in promoting access to justice in village justice mechanisms, examine the effectiveness of the village court in terms of promoting access to justice, and evaluate the effectiveness of village courts after initiating the 'Activating Village Court Project.'

2. Literature Review

Bangladesh has a long and Momentous tradition of village courts system. The structure and functions of village courts have been evolved in consonance with socio-economic and political transformation of the country. The government of Bangladesh enacted various laws, ordinances, and rules relating to the village courts system of the country. Besides these various laws, ordinances, and rules, many researchers and scholars of Bangladesh and the west have dealt with the working of the state-led formal courts and non-state informal courts. Again some international organizations like UNDP, World Bank and DFID have developed different models in dispensing justice in local level. Justice dispensation process is interlinked with various issues like the justice seeking behavior of the community, power structure of the rural society, capacity, competency, strengths and weakness of the justice dispensing organs and the people involved with the whole process. This study will try to add here some important and relevant literatures of effectiveness of village court in promoting access to justice.

DFID Briefing (2004) has defined the 'Salish' in Bangladesh as a means of dealing with disputes within the community and generally take the form of public event in which civil disputes are resolved through arbitration and/or mediation, by people with some standing in the community. A study of UNDP (2002) "pressed the view that about two-thirds of disputes do not enter the formal court process; instead, they are either settled at the local level, through informal settlement by local leaders or a village court or remain unsettled. Local dispute resolution mechanisms cover both civil and criminal cases of varying- degree, and no formal study of this system of adjudication has been under taken to date and UP members usually have strong links to the communities they represent, community members also prefer to seek help from them. During their study, they observed that all 49 respondents, selected randomly from the various UP areas, knew the existence of village courts. That indicated a high Level of awareness among villagers of the village courts. They have also found that regarding choice of institution, the Village Court fared better than the police or formal courts of justice. Jahan, F (2005) expressed that, there are four different structures of justice available to the South Asian women, who become the victims of domestic violence. These are: i) formal legal courts that follow the English Common Law system, ii) traditional village based dispute resolution conference without any state control, iii) modified NGO sponsored dispute resolution conference with indirect state control and iv) *Lok Adalat*, a government sponsored informal conference. A study of Arafunnesa (Arafunnesa, 1992) has pressed the view that in a court of Thana Magistrate the average expense of a case was estimated to be a minimum of taka 16,511/- while the maximum was taka 1, 76,000/-. It has been defined by the UNDP that access to justice is the "ability of people from disadvantaged groups to prevent and overcome human poverty by seeking and obtaining a remedy in accordance with human rights principles and standards for grievance through the justice system" (Sudarshan, 2003). Access to justice can be divided into different stages; starting from the moment a grievance occurs (causing a dispute) to the moment

redress is provided. Full access is ensured when the process is completed (UNDP, 2005). Access to justice requires more than being able to present a grievance in front of a court and access to justice to the existing justice system but includes an effective remedy whereby your right is translated into reality (Anderson, 2003). Thus, access to justice is associated with the ability to bring a grievance before court, including the right to a fair hearing, obtain unbiased decision and an effective remedy. Again, for human development, establishing democratic governance, reducing poverty, increasing socio-economic growth and prevention of conflict between the peoples access to justice is essential for the following reasons: a) where for all citizens access to justice (irrespective of gender, race, religion, age, class or creed) is absent, democratic governance is undermined ; b) the people who are poor and disadvantage are more likely to be victims of criminal and illegal acts, including human rights violations because of their vulnerability; c) On poor and disadvantaged people's lives, crime and illegality are likely to have a greater impact as they do not know how to obtain redress. As a consequence, they may fall further into poverty. Justice systems can provide remedies which will minimize or redress the impact of this (UNDP 2005).

People who cannot afford legal counselor, are illiterate, have no knowledge about the legal process and procedure and have lack the power to influence legislative processes always discriminate by the legal system around the world. (Anderson, 2003). Bode's (2002) study reveals that the changing composition of rural elites that has taken place from the 1980s onwards, as new rural wealth accumulation introduces new agricultural technologies based on the privatized has taken root, bringing into the local power structure a new non-traditional rural business household at village level. Both new and older elites are discovering new and diversified strategies of livelihood expansion and consolidation, including diversified economic activities, involvement in party political networks, engagement in forms of philanthropy and 'civil society' action, and setting up NGOs. Evidence suggests that the influence of party politics is becoming stronger at union level (Bode, 2002). The party affiliation of a union chairman can help determine the level of influence he can achieve with the local MP, which in turn has a strong bearing on the share of available resources he can bring into the union from the centre. Local parties activists help mediate these relationships through the union and its activities. Again, Hossain, A and Lewis, D (2008) identifies that the traditional *samaj* system has become weakened, as a result of a growth of inter-generational tensions, the post-1991 growth of party politics, and the increasing scale of households' external linkages. They also identifies that, even in the remote villages, social institutions are far from static. In a predominantly agriculture-based community, the village leaders (Matbars) were once powerful landowner. Because of their landlord-tenant relationships, they achieve the respect of giving command. But as villagers have become ever more mobile, and less dependent on land and farming, their power is slowly diminishing. The growth of contracting work opportunities beyond the village has brought new perspectives in from beyond the village, even for the poorest people. A new middle class has formed in every village which is making political connections beyond the village, and there is a better-educated younger generation emerging from the local high schools. For the next generation of informal village leader families, life-style is already very different to that of their parents.

Dispensing Justice Locally: "A Study of Two Village Courts in Bangladesh" the objective of the study was to explain the insufficiency of Shalish system in resolving dispute in villages and presented the necessity of using village court in dispensing justice in villages. According to the study, the rural power structure plays a very momentous role in resolving disputes between village people. As village people are unable to go to court for resolving their dispute for their financial and other logistics constraints, they can prefer village court instead of Shalish system. In that case village court can provide people their equitable remedies with minimum cost and less harassment (Hossain, 2012). It is generally understood that the philosophy of access to justice is mostly rooted in the formal structure with designated roles as per the rules, procedures and arrangements for pertinent institutions, with policy frameworks, values etc. In order to ensure the rights and privileges of citizens, an effective and efficient judicial system is fundamental. However, the formal justice process in Bangladesh gives the disputant parties a win-lose solution. Although this process might settle a dispute but the differences between the parties did not completely resolve and in this process the interpersonal relationship between disputant parties become worst which leading further spiraling of conflict. Moreover, particularly for the poor and disadvantaged people recourse to the formal legal system is costly, time consuming and difficult to access. The poor, with no available recourse to justice, therefore, look for alternatives to resolve their difficulties. Village Court is one of the alternatives dispute resolutions for rural poor community very often look for. It is run as per the Village Courts Act 2006 amended in 2013 and the Rules 1976. This article elaborates the nature and types of village courts with particular reference to the people's benefit and philosophy of peace building (Sarder, 2011).

The village courts were first initiated under the Village Courts Ordinance 1976. They are quasi-formal-mandated by parliament, dealing with both civil and criminal cases, yet legally required to follow an informal procedure of dispute settlement. Lawyers are barred from village court proceedings. Filing a case is affordable and easily accessible even for the poorest in society. The chair of the UP is also the chair of the village court, tying the latter into community governance structures. The legitimacy and efficacy of these courts depend heavily on this chair, the panel of village courts consists of five members: the chair and two members each for the disputants, selected by them, one of whom must be a UP member (Hassan and Ali, 2006). Village Court with a quasi-formal nature is the lowest judicial tier in the judicial hierarchy of Bangladesh. The village court is not new concept in our judicial system. In union level, Village Court is the only institution backed by an enacted law to administer justice in both civil and criminal cases plays a vital role at the rural area. (Murshed, 2012).

Village Courts should be gender-friendly and sensitive to the needs of vulnerable and poor people including women and children; broader human rights principles and human rights framework should be upheld in village courts (Walker, 2012).

3. Research Method

The methodology of this study on assessing the effectiveness of the Village Court (VC) system in promoting access to justice in two selected villages in Noakhali, Bangladesh will involve a case study approach. The case study will be conducted in two villages, namely Char Wapda and Ashwadia Union, which are both located in the Noakhali district.

Data will be collected through both primary and secondary sources. Primary data will be collected through a structured questionnaire, face-to-face interviews, and focus group discussions (FGDs). The questionnaire will be administered to a sample of 100 villagers, while face-to-face interviews will be conducted with key informants, including village court officials and representatives from local NGOs. FGDs will be conducted with groups of villagers to obtain their perspectives on the effectiveness of the VC system. The sampling technique used will be purposive sampling, with participants selected based on their involvement in the VC system.

Secondary data will be collected from published and unpublished reports, government publications, academic articles, and other relevant sources. Data will be analyzed using qualitative methods such as content analysis and thematic analysis. The data collected through the questionnaire will be analyzed using descriptive statistics to identify trends and patterns.

To achieve the specific objectives of the study, the following methods will be employed:

- a) Legal and practical constraints associated with the Village Court will be identified through a review of the relevant legal and policy documents.
- b) Indicators and barriers in promoting access to justice in the village justice mechanism will be identified through a review of the literature and by analyzing the data collected through the questionnaire, interviews, and FGDs.
- c) The effectiveness of the VC system in promoting access to justice will be examined through the analysis of the data collected through the questionnaire, interviews, and FGDs.
- d) The effectiveness of the VC system after initiating the Activating Village Court Project will be examined through a comparison of the data collected from Char Wapda Village Court, which is part of the project area, and Ashwadia Union Village Court, which is located outside the project area.

4. Results and Discussions

4.1. Data Analysis

The aim of this study was to assess the effectiveness of the Village Court (VC) system in promoting access to justice in two Union Parishads (UP) in the Noakhali district of Bangladesh. This was achieved by gathering and analyzing data on various aspects of the VC system, including relevant policies, procedures, acts, ordinances, and rules; the monitoring and accountability mechanisms of the supervising authority; the legal awareness of UP officials and rural people; the competencies and resources of the UP; the support mechanisms and legal aid provided by NGOs and government initiatives and programs to raise awareness; and finally, the perceptions and attitudes towards the legal systems.

The analysis revealed that the policies, procedures, acts, ordinance, and rules related to village courts were not effectively implemented in the studied villages. The monitoring and accountability mechanism of the supervising authority was found to be inadequate, and legal awareness among both UP officials and rural people was low. Additionally, the competencies and resources of the UP were found to be limited, and there was a lack of support mechanism/legal aid from NGOs, government initiatives, and programs.

The perceptions and attitudes towards the legal system were generally negative, with many rural people believing that the justice system is biased towards the rich and powerful. However, there were some positive perceptions of the Village Court system, with some rural people finding it more accessible and affordable than the formal legal system.

4.1.1. Major Characteristics of Two Unions under Study

It has already been mentioned earlier that for the better understanding, two UPs from Noakhali district of Bangladesh (Ashwadia Union Village Court under Noakhali Sadar Upazila and Char Wapda Village Court under Subarnochar Upazila) have been purposively selected.

The key features of the study union parishads are reflected in the Table 1.

Table 1. Key Information of the two unions under study

Feature	Ashwadia Union Village Court under Noakhali Sadar Upazila	Char Wapda Village Court under Subarnochar Upazila
Area	4575 Acre	10905 Acre
Population	13863 (Male) and 14081 (Female)	9785 (Male) and 9117 (Female)
Literacy Rate	60.52%	32.38%
Occupation	Agriculture, Fisheries, Dairies, Small scale Business and Service.	Agriculture, Fisheries, dairies, Small scale Business, Overseas Worker and Service

Source: Compiled with the information collected from Ashwadia Union and Char Wapda Union Parishad complex

4.1.2. Socio-economic Characteristics of the Service Providers (UP Chairman, Members and Secretary)

The Union Parishad (UP) chairman and members are mainly responsible in dispensing justice at local level. Usually the chairman of the UP acts as chairman of the Village Court (VC). He is assisted by other elected members. As per the provision of Village Court Act 2006, two members from outside the parishad are nominated by both the parties related to the case.

4.1.3. Age of the Chairman and Members of the Village Court (VC)

The study reveals that the highest percentage of the chairman and members belong to the age group between 31-40 years (46.43%) that indicates the dominance of a relatively younger age group. The traditional rural leader (matbors) in the rural areas of Bangladesh who usually settles local disputes in the form of 'Shalish' are supposed to be quite elderly people, i.e. belonging the age group of 50 and above. But in case of VC, the picture shows the dominance of younger people in leadership. From the point of making judicial decision it may has an impact on the acceptance of such decision in rural areas.

4.1.4. Educational level of the UP officials of Ashwadia Union Village Court under Noakhali Sadar Upazila and Char Wapda Union Village Court under Subarnochar Upazila

In the case of education the highest percentage of the chairman and members of VC belongs to the educational level between VI-X (50%). It is interesting to note that in both cases the UP chairman who acts as chairman of the VC and UP secretary who acts as support stuff of VC has HSC or above level of education. So, the level of education of the service providers is not quite adequate which may has a connection with the legal awareness of the service providers.

4.1.5. Legal Awareness and Typology of Disputes in Rural Bangladesh

This component of the study attempted to determine the level of understanding of both rural people and service providers (chairmen, members, and secretaries of the UPs) about village courts, their functions, and the types of disputes they deal on a daily basis. In this regard, the respondents were questioned if they had heard of village court and could differentiate between village court and Shalish. The study also looked into the understanding and knowledge of all stakeholders (including the local officer in charge (OC) of the police station, local elites, NGO

activists, and UNOs from the concerned Upazila) about the functioning status of the village courts. When asked about the types of offenses that occur at the local level, the majority of service seekers and providers in both unions said that land disputes are the most common problem in rural areas. Other typical offenses and disagreements include quarrels (scuffles), money realization, crop damage, breach of contract, land delineation, barrier on others movement, killing or capturing other's animals, and tree cutting. Eve teasing, dowry, and domestic violence/violence against women (VAW) have become a frequent concern in both places in recent years. Both the UP Officials and common people stated that, sometimes some of these offences and even some major offences and disputes are settled by the village elders, UP Chairman and members by the name of Shalish. But still many of the offences, like dowry, domestic violence/ violence against women remain unsettled or sometimes approached to the local police station and district court.

4.1.6. Analysis of the Relevant Laws, Rules and Circulars

The language of the law is very complex and makes it unintelligible even to the literate or educated person. The Village Court act 2006 states different sections of criminal cases triable by the VC act under the Penal Code (Act XVI of 1860) and the Cattle Trespass Act, 1871. Again under the VC rules, a Village court is to preserve and use eleven kinds of forms for use as register of cases, summons to respondent and witness, decrees and orders, receipt and register of fines and also half yearly report return which makes the whole process complicated. Again, there is a provision in the village court act that, if any decision is passed by the majority of 4:1 or 3:1, the aggrieved person cannot appeal against this decision. It creates fears to the rural people and they sometimes bypass village court.

4.2. Major Findings

Village courts were founded with the aim of assisting rural residents in resolving their dispute and ensure justice timely and in a low cost-effective manner. The study was carried out in two unions in Noakhali district of northern Bangladesh. The study was aimed to identify the challenges associated with the village court act and to assess the opportunity of the service seekers to demand justice and also capacity of the service providers to provide Justice. During the study, respondents (Rural people, UP Chairman, UP officials, NGO activists, OCs of the police stations and UNOs) were asked to mention the main factors which affected the dispensation of justice through the village court. The respondents mentioned a series of factors which acts as barriers in access to justice through the Village Court.

4.2.1. Lack of Legal Awareness of the Service Seekers and Providers

According to the respondents, lack of awareness of the mass people about village court is the major barrier of village court to work actively. Outside the project area, both the service seekers and providers have little or even have no knowledge about VC. Throughout the time of the study, visibly no awareness program or local initiatives or NGO initiative was initiated at the local/national level to make people aware about process and effectiveness of the village court. The scenario is completely opposite in the project area. The other concerned authorities such as the local police, UNOs who are legally entitled to work closely with the UPs are also not well aware and proper trained about the village court. As a village court are not bound to follow the strict rules of the court regarding taking evidence, hearing and other procedure. In most of the cases the court decorum was not maintained. It was observed that, disputes related to land and property, violence against women and family dispute is the main source of conflicts in rural area. Because of not maintaining court decorum, people in the rural area losing their reliance in the existing village court system.

4.2.2. Complexity and Lack of Clarity of the Act, Rules and Procedures

There is no sufficient awareness program, training session and initiative in the rural area to make the people aware about the village court system and its structure. As a result, it becomes impossible for the both the service providers and seekers to understand the existing Village Court Act, 2006, Structure, process and procedures of the Village Court. Again, under the Village Court rules 1976, a Village court has to preserve and use eleven kinds of forms to use as a register of cases, summons to respondent and witness, decrees and orders, receipt and register of fines and also half yearly report return which makes the whole process complicated. Because of its complexity and narrow jurisdiction of VC allows and encourages both the service seekers and providers to take resort to Shalish or to go to police and formal court. Financial jurisdiction of VC is limited and most of the case approaches to the VC are beyond its jurisdiction. Though the offences like dowry and violence against women is very common in rural Bangladesh but VC has no jurisdiction to try cases related to domestic violence or dowry.

4.2.3. Lack of Competencies of the UP officials

The UP Chairman, secretary and UP members who are entitled to settle the dispute of the rural people under the Village Court Act, 2006 should have a considerable level of education and knowledge about the Court procedure which is favourable in dispensing justice. Most of the UP officials have the lack of training, machinery and understanding about the legal rules, court procedure and how to ensure natural justice. For lack of the understanding of what it means to make a full and complete record and how to keep records, the record management of the village courts is woefully poor.

4.2.4. Village Court-An Unfunded Mandates on Local Governments

Village Court outside the project area has not received any fund from Local Government Ministry or from Upazila Parishad. It was also observed that outside the project area all VC runs without a fulltime court assistant and the UP secretary usually performs this task who thinks that it is beyond their ordinary job descriptions. The members and chairman of a Union Parishad serve in the Village Court as a part of their functions in the Union Parishad. But considering their overall responsibilities as members and chairmen of the Union Parishads, their salary or honorarium is too poor. It was also observed that, the resources and facilities in the project aided courts have positive affect on the quality of justice dispensed. The UP chairmen and members are interested to perform judicial activities which by law have vested on them but at the same time in the absence of the government sponsored project intervention or NGO initiatives they cannot perform it.

4.2.5. Lack of Monitoring and Supervision of the Court Activities

Monitoring and supervision mechanism in both of the study area is very weak. The concerned authority don't send the reports and returns to it proper authority regularly. The Judiciary separated from the executive in 2007, after the separation executive authorities have no such types of control and supervision power which it has before separation over the judicial activities of the village court. Most of the village court authority are politically motivated. So, there is a chance of giving bias decision and in favour of their known one. Although there is existence of Village Court, Village people prefer formal court than the Village court. As a result, local police regularly entertains cases that fall under the jurisdiction of village court.

4.2.6. Absence of Legal Aid and Support Mechanism of the NGOs

It was observed that when government starts the activating village court program and NGOs worked as facilitator so that this court started functioning in the project area (Ashwadia Union). The scenario is completely opposite outside the project area (Char Wapda Union). But it was also observed that the UP of the project area (Ashwadia Union) is heavily dependent on NGO assistance. Though NGO assistance is essential to make people aware about their rights and privileges but too much dependency is also a vital impediment for the institutionalization and successful working of VC.

4.2.7. Negative Attitudes and Perceptions towards Legal Institutes

It was also observed that, victim's first preference for seeking justice is Shalish and Shalish is still the most powerful means for dispute resolution in rural Bangladesh. If settlement of disputes fails at Shalish, the victims involve the Union Parishad or go to the police or formal courts. Again, village politics is also an important factor that impedes functioning and/or constituting of the village courts. Most of the service seekers believes that they will not get justice through vaillage court as most of the vaillage court authorities are biased and politically motivated. Service seekers and providers agreed to note that due to the complex socio-economic and political realities, they sometimes do not get justice. It was also observed that the people's confidence has to be restored on the chairman and members for the functioning of VC.

4.3. Inferences from the Findings and Analysis

The study was aimed to identify the effectiveness of the village court in terms of access to justice in rural area. An analytical framework was also developed in line with the research questions in order to assess the capacity of both the service seekers and providers and the effectiveness of the Village Court Act. The most important impediment in terms of access to justice is the confidence among the public in the existing law and opportunities for redressing injustices. Again, it was also observed that the lack of awareness of the masses coupled with their unfavourable economic condition, the backwardness of women and the existence of narrow party politics is a great handicap in the effective working of village courts.

The lack of awareness and capacity to understand the legal rights, remedies and responsibilities among common people and the service providers acts as a formidable barrier in ensuring access to justice locally. The chairman and members of the village courts of both the area do not often fully understand the various clauses, sections and procedures of village court. Most of the chairmen and members are fresh face of the Union Parishad and they have been working with the UP since August, 2011. They have not received proper training and orientation about the VC. It was also observed that the evidence/case recorded by the village courts has not followed in the prescribed format. The evidence and decisions was not recorded at all. VC runs without proper monitoring and supervision of the higher authority and UP has not adequate resources to run the VC. The success of the VCs largely depends on the leadership, competency, legal knowledge, status and positions of the chairman and members of the village court. It was revealed that the party alliances of the chairmen and members is the one of the main barrier fort ensuring justice. The chairman and members sometimes hesitates to take appropriate and strong action against the influential persons for losing votes in the next election and fear of being attacked. If any party of the dispute belong to the party of the chairman or members, there is a high chance of being bias and justice cannot be ensured through village court.

Negative perceptions of both the service seekers and providers towards the legal institutes are also a great challenge is dispensing justice through village court. Local police is also skeptic about the performance and efficiency of this court. Limited jurisdiction of VC and complexity of the process is also a challenge in effective functioning of village court.

In brief, rural justice systems sometimes do not work well in the context of extreme power imbalance between parties. A more powerful or wealthy party may press the weaker into accepting an unfair result, so that the settlement may appear consensual, but in fact result from coercion. Rural justice systems are sometimes tools of equity rather than tools of law. They seek to resolve individual disputes on a case-by-case basis, and may resolve similar cases in different ways if the surrounding conditions suggest that different results are fair or reasonable according to local norms.

5. Conclusion

In conclusion, this study aimed to assess the effectiveness of the Village Court system in promoting access to justice in two selected villages in Noakhali, Bangladesh. The findings of the study suggest that the Village Court system has the potential to promote access to justice at the grassroots level, particularly for women and the poor, who are often excluded from the formal justice system due to various barriers such as high costs and lack of awareness. The Village Court system is a cost-effective and efficient alternative to the formal justice system, which has been plagued by inefficiencies and corruption.

However, the study also highlights several challenges that need to be addressed to ensure the effectiveness and sustainability of the Village Court system. These include a lack of awareness among rural people, inexperience of UP officials who are not sufficiently conversant with the system, and a lack of attention from concerned authorities at the field level. The study recommends that the Village Court Act be amended to increase its jurisdiction and user fee, and that constant monitoring and coordination between UP officials, police, UNOs, judiciary, and service seekers be established.

Furthermore, the study suggests that the government needs to allocate more resources to strengthen and promote the Village Court system and local government institutes for the prevention and resolution of local disputes. Strengthening the Village Court system is interlinked with strengthening the local government, and there is a lack of political commitment in this regard. The study highlights that the Village Court system should continue to function not only to make justice available at minimum cost and trouble but to maintain peace and harmony in rural areas.

Overall, the study suggests that the Village Court system has the potential to promote access to justice in rural areas of Bangladesh, but there is a need for proper monitoring and supervision, legal awareness, and necessary resources to ensure the effectiveness and sustainability of the system. It is hoped that the findings and recommendations of this study will contribute to the improvement of the Village Court system and promote access to justice for all in Bangladesh.

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