

Village Courts as an Alternative Justice System in Bangladesh: An Empirical Observation

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ABSTRACT

Union Parishad is a century old rural institution in Bangladesh, which has been instituted, grown, and maintained by the people of the rural areas. It is a longstanding popular service delivery center, which people trust highly at the village level. Since its establishment, the Union Parishad has been linked with informal justice systems like the Shalish, which is compatible with rural population being keen on using accessible, fast, and cheap systems of resolving disputes as opposed to the time-consuming and costly processes of the formal courts. In an attempt to enhance the shortcomings of the traditional Shalish, Village Courts were formally established in the mid-1970s in an effort to enhance the delivery of justice in rural areas. In the long run, Village Courts were ineffective with poor functioning and institutional problems. In this regard, the current research was carried out in rural settings to consider Village Courts as an alternative to justice in Bangladesh. The paper adopted a mixed-method research design, where both quantitative and qualitative methods were used. The information was gathered using in-depth interviews of 30 respondents who were selected and 9 case studies using a structured checklist. According to its findings, it can be stated that despite existing limitations and operational weaknesses, Village Courts still have the significant role in resolving the local disputes and ensuring that the social peace and harmony within the rural communities. The research claims that the Village Courts can be a viable alternative to the formal justice system when they are properly reformed and supported by the institutions. The main areas of difficulty are; lack of implementation capacity, ineffective record management, and lack of knowledge in the personnel concerned. Government and non-government bodies must strengthen supervision, capacity building, training and awareness programs so as to increase the effectiveness of the Village Courts.

1. Introduction

Enhancement of access to justice is a big challenge to Bangladesh primarily due to the fact that almost 80 percent of the population lives in rural localities and close to 40 percent lives below the poverty threshold. Even though the Constitution, in the light of Article 35(3), provides the right to a speedy and

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public trial conducted by an independent and neutral court, the situation is not similar to the citizens living in a rural area. Being the base of the formal court system, the rural poor people are expected to pay a lot in terms of travel, accommodation, and logistics and this poses serious financial and procedural obstacles (Siddiqi, 2006). Consequently, vast portions of the population, who cannot afford their own resources, do not have legal knowledge, or access, have to resort to informal dispute resolution techniques like “Shalish” to have justice. Research has found out that out of every two-thirds of disputes, one is either settled in a local informal way or Village Courts, (Gram Adalat), or left to go (Golub, 2003; Hossain, 2012). It is frustrating because the Village Courts Ordinance was promulgated over thirty years ago but has not made much success so far. Traditionally the idea of the village-level justice in the area can be traced to the system of the panchayat. The name of this is known as a panchayat or a group of five or more people who used to represent various classes and castes in a village (*Panchayat System*). These bodies, either elected by the villagers or appointed by rulers, had some kind of independence of action in the administration of the village in the ancient times, including the minor dispute resolution (Sarker, 2013). Within the early British rule, the prevailing rural administrative units in Bengal were not abolished, but the judicial powers were not bestowed to the local bodies (Quader, 1995; Mattsson & Mobarak). This was altered when the Bengal Village Self-Government Act of 1919 was passed and shifted judgeship duties to Union Boards and resulted in the constitution of village-based courts and benches under the control of elected officers (Islam, 2003).

The next stage involved the enactment of the Conciliation Courts Ordinance in 1961 under the Pakistan rule to allow local courts to take care of trivial criminal and civil cases. Village Courts were formally constituted by the Government of Bangladesh after independence in 1976 within all unions, and the main goal was to settle disputes amicably and not punish through the use of justice (Masud et al., 2023). This has not helped them as they have been weakened by low institutional capacity, corruption, inability to coordinate actors in the local government and lack of legal authority. Organizational wise, a Union Parishad covers a population of approximately 10,000 people and consists of 10 to 15 members. In addition to keeping law and order the Union Parishad was charged with 37 development and welfare functions including agriculture, education, water supply and social welfare. It also got the power to create conciliation courts as well as having the limited judicial powers especially by the Muslim Family Laws Ordinance of 1961 which was backed by local taxation as well as government grants under the Basic Democracies structure.

2. Rationality of the Study

Rural local self-government has a very ancient origin in Bangladesh. Village councils in Gupta period were significant in the administration of the local administration and were also involved in solving the local disputes. The scheme was replicated during the British colonial rule when the local government institutions were formed with the primary aim of preserving law and order in the country rural setting. As time passed these bodies were transformed into the Union Parishad (UP) which is the bottom level of local government and the only one that is made of directly elected representatives of the rural population (Talukdar, 2016). Since Bangladesh is a rural nation, the Union Parishad has great importance in the administration of the local government. Nevertheless, the Union Parishad is essential but has been compromised by different socio political and economic issues. The project was initiated in 2009 by the Government of Bangladesh with the assistance of UNDP and the European Union with a baseline survey of Village Courts and a project named as Activating Village Courts in Bangladesh (Mia et al., 2023; Jahan, 2020). Nonetheless, there has been little research to conduct systematic evaluation of the performance, issues and opportunities of Village Courts (Arafunnesa, 1992). According to existing studies by non-government organizations and independent researchers, the overall performance of Village Courts is still low and unsatisfactory. Despite the many compulsory and optional functions that the Local Government (Union Parishad) Act, 2009 gives Union Parishads, they do not play much role in the local administration. An average of the UPs specializes in simple infrastructural services, birth registration, issuance of citizenship certificates, and Village Courts that are limited within their capacity. This paper is a reform under the Village Courts Act, 2006, which aims to investigate the operations and issues of Village Courts and their role in facilitating the resolution of the daily disputes in the rural areas of Bangladesh, providing information of value to the researcher, policy makers and local government practitioners.

3. Objectives of the Study

The primary objective of the study is ‘to evaluate the village court as an alternative justice system in Bangladesh’ to fulfill the objective some partial objectives are selected which are;

- a) To analyze the socio demographic condition of respondents;
- b) To know about the village court from the respondents;
- c) To illustrate the necessity of village court;
- d) To explore barriers of village court; and
- e) To take people’s opinions and draw some recommendations how to solve the problems of village court.

4. Methodology

Research Method: Research methodology is the process that is employed in investigating a problem systematically in order to produce valid results. A mixed-method method was used in the present study because it embraced both qualitative and quantitative methods to ensure that an all-inclusive view of the Village Court system was achieved (Creswell, 2014). The approaches used to research experiences, perceptions, and institutional practices are qualitative methods whereas quantitative aspects assisted in replicating structured responses. The research adopted social survey and case study as the main research methods with the support of in-depth interviews, observation, focus group discussions, and use of questionnaires.

Sampling and Sample Size: The research was carried out in three Bangladesh districts, that is Tala Upazila of Satkhira District, Ulipur Upazila of Kurigram District, and Narail Sadar Upazila of Narail District. These locations were chosen intentionally because Village Courts are working in these rural locations actively. The respondents were selected by purposive sampling method, which involved the direct or indirect involvement with Village Courts. The final sample consisted of 39 respondents including 30 in-depth interview respondents and 9 case studies. The respondents were identified under various categories such as service providers (UP Chairmen, Members, Foremen, and local busybodies) service seekers (rural people) and others like community leaders and NGO workers. Male respondents were also included and there were both males and females in order to have gender representation.

Data Analysis and Collection: Interview schedule, observation, focus group discussions, case study checklists, and questionnaires were used to collect primary data. In-depth interviews were used to collect data on 30 respondents and 9 detailed case studies were done based on a structured checklist. Data were then edited, categorized and tabulated based on themes after collection. The analysis was carried out in thematic order and in sequential order with the sub-headings that were presented in the analysis under appropriate themes to add an element of clarity and coherence.

Ethical Consideration: Ethical standards were observed strictly during the study. Rapport was constructed in advance with the respondents and the purpose of the study was described. The study was done on a voluntary basis, the study was confidential, and non-judgmental attitude was observed. The respondents were given a conducive setting in order to air their views, experiences and perceptions with dignity and respect.

7. Results and Discussion

The Village Courts have a history of establishment in Bangladesh, and a 100-year-old rural institution, the Union Parishad, forms the basis of the Village Courts. The Union Parishad which is run by the locals has developed to accommodate Village Courts which have become a household tool of settling rural disputes. With many issues encountered in the daily lives, villagers require ready justice system where they can approach with their problems and solve without delay and this is where Village Courts have been formed. In this chapter, the authors examine the perceptions of Village Courts by the people living in the villages, the need of such a court, challenges and opportunities as well as suggestions. Results have been indicated and discussed through tables and figures. The research was held on three unions and three districts.

Table 1. Educational Qualification of the Respondents

Education Level	Frequency	Percentage (%)
Illiterate	4	13.33
Literate (Only can sign)	8	26.67
One-five	7	23.33
Six-HSC	8	26.67
Graduation	3	10
Total	N=30	100

Education is generally acknowledged as an important source of knowledge and empowerment, which is fundamental in creating a civilized and informed society. Nevertheless, in rural Bangladesh, the educational attainment of the population is low, and most of the village residents do not know modern laws, rules and court proceedings which restricts their capacity to solve conflicts efficiently. The research shows that out of 30 respondents, 13.33% are illiterate, 26.67% can only sign, 23.33% attended classes 1-5, 26.67% attended up to HSC, and 10% have graduated, meaning that most of them have some sort of education, but a large number are poorly educated. Religiously, the respondents are evenly distributed: 66.67% are Muslims, 26.67 Hindu, and 3.33 are each Buddhist and Christian. The majority of the respondents are married, and they discussed their personal and family-related problems during the interviews. These discoveries underscore the extreme links between Village Courts and the daily life of rural people, which shows that justice should be available to all members of the community (Table 1).

Table 2. Concept about Village Court

Knowledge about Village Court	Frequency	Percentage (%)
This a proper justice system	10	33.33
Transparency and accountability ensured here	6	20
There are some lacking in this justice system	7	23.33
Have no concept	5	16.67
Others	2	6.67
Total	N=30	100

We try to find out the concept about village court in rural area. Most of the respondent was from village area, low literate or illiterate. Most of the male people know little about village court. Some female respondent has no idea about village court. In this study we have to try to find out the overall concept of village court among the village people. The table shows that 10(30%) village people think that village court is a proper justice system which helps the village people to solve their problems. 6(20%) village people think that transparency and accountability are maintained here. 7(23.33%) people thinks that there are some faults in village court justice system. 5 (16.67%) respondent have no concept about village court and 2(6.67%) achieved others (Table 2).

IDI participant stated that-

“Village court (VC) is the informal judicial system like Shalish. It has been come to light because of people desire; rural people always try to avoid lengthy and expensive process of formal courts. For this reason, village court introduced itself in Bangladesh”

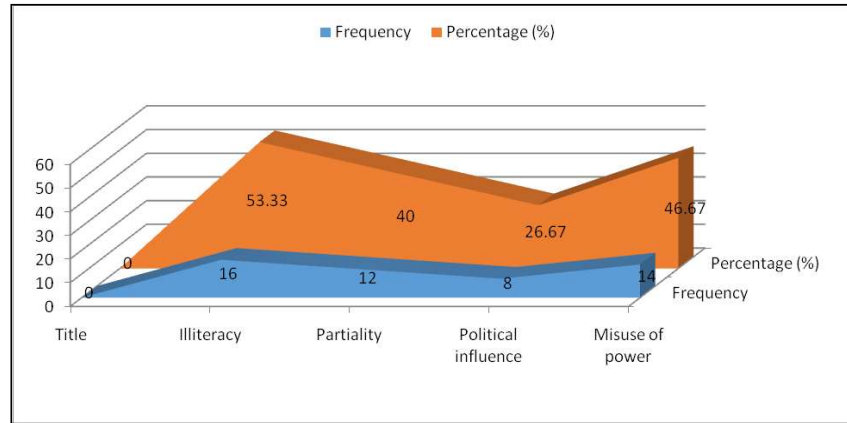


Figure 1. People's Attitude Towards Partiality in Village Court

Mainly the village court chief is the union parishad chairman & both parties have the representative. all the representative & the chairman is known to the village people or they are next-door. So, there is a probability of partiality. It is revealed that out of 30 respondents, 13(43.33%) respondents think that partiality is existed in village court justice system and 17 (56.67%) respondents think that there is no partiality in village court justice system. So maximum of the respondent think village court is free from partiality (Figure 1).

Table 3. Blockage of Village Court

Title	Frequency (N=30)	Percentage (%)
Illiteracy	16	53.33
Partiality	12	40
Political influence	8	26.67
Misuse of power	14	46.67
Lack of consciousness	17	56.67
No knowledge about law	14	46.67
Grouping	10	33.33

**Multiple responses available*

The village court justice hampers due to some blockage. The study shows from the table that 53.33 percent respondents believe illiteracy is the blockage of village court justice system, 40 percent respondents believe that partiality creates

problem, 26.67 percent respondents believe political influence hampers the village court, 46.67 percent believe misuse of power creates hindrance, 56.67 percent believe lack of consciousness is the obstruction of village court, 46.67 percentage believe no knowledge about law is another impediment of village court, 33.33 percent thinks grouping creates occlusion in village court justice system (Table 3).

IDI participants noted that-

“Local government juridical system is very costly and takes long time to solve cases. Besides these clients have to face various types of problems. For these reason village people prefer village court for solving their problems.”

Case 03 described that-

“Sometimes village court is influenced by politics. As a result, political leaders get benefit from it. There is also existence of partiality which hampers the juridical system.”

Table 4. Essentiality of Village Court

Title	Frequency	Percentage (%)
Solving problem in short time	7	23.33
Free from judicial complexity	4	13.34
Do not need much money	10	33.33
Right justice	6	20
Giving punishment	3	10
Total	N=30	100

Village court plays an important role in rural justice system. In everyday life villagers have to face various types of problem and to solve this problem quickly village court is essential. The district court is so far from the rural area. The village people go for the justice in district court it is very time consuming & costly. Even the case hanging year to year but can't provide any essential result. From the table it is clear that among 30 respondents, 7 (23.33%) respondents thinks they can solve their problem in short time through village court, 49(13.34) respondents assume that it is free from juridical complexity, 10 (33.33%) respondents suspect that in village court justice system small amount of money is needed, 6(20%) guess that village court is necessary for getting proper justice

and 3(10%) respondents imagined village court is effective for giving punishment (Table 4).

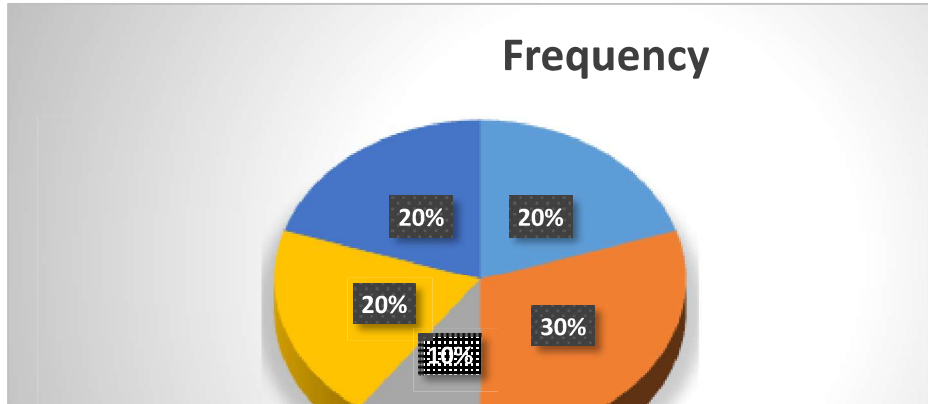


Figure 2: Problems of Village Court

Village court faces some basic problems. Most of the village people are liberate. The do not have any basic idea about the judiciary & their right. Most of the case face partial problem. The moneyed family change the result by influence the judge. So, corruption is also here a major problem. There is an also problem of class discrimination low class or low economically background family do not get the proper justice, if the opponent is female then she also doesn't get the justice. Bangladesh is a place where always the ruling party controls every system illegally. The judiciary system is also control by the ruling party. The political party control over the judge. In This report there were 30 respondents among them 20% respondent reply that partiality is a problem, 30% reply that corruption is the major problem, 10% reply that class discrimination is a problem, 20% respondent reply illiteracy is problem and 20 % reply lack of awareness is the problem of village (Figure 2).

Case 02 opined that-

“Village court chief should have proper knowledge about village law and articles. But it is a matter of great regret that they have no institutional degree about village law and regulation. For this reason, sometimes they do wrong in operating juridical activities and the victims are general people.”

Table 5. Necessary Steps to Solve the Problems of Village Court

Title	Frequency	Percentage (%)
Involving literate person	3	10
Increase people's acceptance	6	20

Free from political influence	3	10
No partiality	3	10
No bribe	3	10
Evaluate every person of the society	3	10
Abolish of social class	3	10
Village judge should have proper knowledge about law	6	20
Total	N=30	100

Overall, the village court is more popular than the traditional judge system. People in village area or remote area mainly depend on the village court because there is a huge pressure in traditional judge system. So traditionally village court is popular with the village people. People depend on village court for proper justice. The study shows some point which makes village court more popular among the villagers. Among 30 respondent 3 respondents that means 10% respondent reply that involving literate person makes village court more popular to the villagers. 6 respondents which share 20% of the respondent think that Increase people's acceptance will make village court more popular. 3 people who share the 10% of the respondent think free from political influence makes village court more popular. 10% people think if there is no partiality which makes the village court more popular. Bribe burning topic for the popularity of the village court 3 people which share the 10% of respondent5 think if there is no bribe village court will be more popular. 10% people think Evaluate every person of the society will make village court more popular. Social class is also a burning issue 10% people think Abolish of social class definitely makes the village court more popular. 6 people who share 20% of the respondent think Village judge should have proper knowledge about law will makes village court more popular among the villagers (Table 5).

Another IDI participants told that-

“People acceptance will increase if they get neutral justice from village court. She tells social class discrimination should remove from village court justice system. Proper justice should be ensured and people's awareness should be increased and then it will be accepted by all the people of society.

8. Conclusion and Recommendations

The research indicates that quite a considerable number of interviewees are conversant with the idea of Village Courts. Almost 67 percent of the respondents indicated that they had heard of Village Courts and almost 81 percent indicated that Village Courts are operating in their areas. Nevertheless, further examination of the available knowledge of the respondents about the essential issues, including the legal structure of Village Courts, jurisdiction, and worth of disputed property, will reveal that there is still a lot of confusion between the Village Courts and the traditional *Shalish*. The proportion of the relevant respondents who correctly identified the legally prescribed composition of Village Courts under Village Courts Act, 2006 was 2 percent (1.4 percent of the total respondents). Regarding the use of dispute resolution system that preferred poor and marginalized people, it is evident that *Shalish* was the most preferred, then Village Courts and the formal judiciary. The most favoured kind of alternative was found to be the one that is not time-consuming (38 percent) and also does not demand money (76 percent) specifically, *Shalish*. Other reasons were that it is perceived that *Shalish* will guarantee justice (23.8 percent), It will be less harassing (15.8 percent), and it will be preserving a good relationship between the conflicting parties even after the dispute resolution (18.2 percent). Of those who perceived Village Courts as a more effective alternative, 69.6 percent would respond that the lower costs were the reason and 42.3 percent believed that the Village Courts guarantee justice. Besides, 39.3 percent chose Village Courts because of faster dispute resolutions. The other reasons were the lack of bribery (14.6 percent) and decreased harassment, which helps to achieve social peace and harmony (15.8 percent). On the basis of these results, the study proposes the reinforcement of the Village Court system by means of thorough legal and procedure training of the Union Parishad chairmen, members, and secretaries; having special Court Assistants; providing distinct budget; improving monitoring and control under judicial supervision. Some additional suggestions are to raise pecuniary jurisdiction, maintain impartiality, make Village Courts enforceable, enhance the level of logistical and administrative facilitation, and establish extensive awareness and advocacy programs both by the government and non-governmental initiatives.

References

- Creswell, J. W. (2014). *Research design: Qualitative, Quantitative, and Mixed Methods Approaches*. SAGE.
- Gould, S. (2003). Beyond Rule of Law Orthodoxy: the legal empowerment alternative. *Carnegie Endowment for International Peace*, 41. https://assets.carnegieendowment.org/static/files/files__wp41.pdf

- Hossain, S. M. B. (2012). *Dispensing Justice locally: A study of two village courts in Bangladesh* [MA Thesis]. North South University, Bangladesh.
- Islam, M. S. (2003). Banglapedia : national encyclopedia of Bangladesh. In *Asiatic Society of Bangladesh eBooks*. <https://ci.nii.ac.jp/ncid/BA63570335>
- Jahan, F. (2020). From rule of law to legal empowerment of the poor in Bangladesh: Towards an agenda for change.
- Masud, M. M. A., Chowdhury, S., & Moni, N. N. (2023). THE CHALLENGES OF VILLAGE COURTS TO OPERATIONALIZE AT THE LOCAL LEVEL: A CASE STUDY IN THE SOUTHWEST REGION OF BANGLADESH. *Khulna University Studies*. <https://doi.org/10.53808/kus.si.2023.icsi24-ss>
- Mattsson, M., & Mobarak, A. M. (2024). Formalizing dispute resolution: Effects of village courts in Bangladesh. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.4740074>
- Mia, B., Mannan, S. E., & Shrestha, A. K. (2023). Assessing the effectiveness of the village Court (VC) system in promoting access to justice: a case study of two selected villages in Noakhali, Bangladesh. *Daengku Journal of Humanities and Social Sciences Innovation*, 3(3), 484–493. <https://doi.org/10.35877/454ri.daengku1712>
- Quader, M. A. (1995). *The functioning of village courts in Bangladesh*.
- Sarker, M. N. I. (2013). *An Evaluation of Village Court: A study on selected village courts in Bangladesh* [Doctoral dissertation]. BRAC University.
- Siddiqi, D. M. (2006). *Shalish and the quest for gender justice: An assessment of strategic interventions in Bangladesh*. Research Initiatives, Bangladesh.
- Talukdar, M. R. I. (2016). The Village Courts in Bangladesh: Review and Analysis. *Journal of Governance and Innovation*, II(2), 7–22.