



Bangladesh: Researched and compiled by the Refugee Documentation Centre of Ireland on 3 June 2009

Information on the role of the village elders in property disputes in Bangladesh.

A report by the *UK Home Office* states:

“Resolution of disputes by traditional village elders is popular in rural communities, largely due to the difficulties in accessing the courts and the length of time litigation takes.” (UK Home Office (October 2000) – *Bangladesh Assessment*)

A report by the *World Bank* states:

“The term “shalish” (or “salish”) refers to a community-based, largely informal Bangladeshi process through which small panels of influential local figures help resolve community members’ disputes and/or impose of sanctions on them. (It also can refer to the panels themselves.) NGOs and the government have drawn on and modified this process in recent years so that shalish now takes three basic, sometimes overlapping forms in Bangladesh: traditional; government-administered “village courts” (though under the relevant laws other terms technically apply for family and urban disputes);⁶ and NGO-modified.” (World Bank (January 2003) - *Non-state Justice Systems in Bangladesh and the Philippines*)

This report also states:

“Sometimes solutions are arbitrary and imposed on reluctant disputants by powerful village or community members. Such “solutions” are based less on civil or other law than on subjective judgments designed to ensure the continuity of their leadership, to strengthen their relational alliances, or to uphold the perceived cultural norms and biases. The shalish also is susceptible to manipulation by corrupt touts and local musclemen who may be hired to guide the pace and direction of the process by intimidation. Furthermore, because the traditional shalish is composed exclusively of male members, women are particularly vulnerable to extreme judgments and harsh penalties.” (Ibid)

A report by the *UK Home Office* states:

“The UNDP 2002 report noted that about two-thirds of all disputes do not enter the formal court process; instead they are either settled at a local level by local leaders or a village court, or they remain unsettled. Shalish (or Grameen Shalish) local mediation councils provide a traditional alternative to dispute resolution and comprise local community leaders who either individually or in groups provide a forum for arbitration and dispute resolution. A study of Shalish in two districts in 1996 indicated that the majority of disputes dealt with related to family law, maintenance, second marriage,

dowry and land ownership.” (UK Home Office (25th September 2008) – *Country of Origin Information Report*)

This report also states:

“In the ‘Base Line’ survey conducted for Transparency International in 2005, about 60 per cent of rural respondents felt that grameen shalish were ‘fair’. The minority who doubted the fairness of shalish thought that they favoured the rich, or favoured males, or were influenced by religious fundamentalism or terrorism.” (Ibid)

References

UK Home Office (25th September 2008) – *Country of Origin Information Report*

<http://www.unhcr.org/refworld/pdfid/48ede7992.pdf>

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World Bank (January 2003) - *Non-state Justice Systems in Bangladesh and the Philippines*

<http://siteresources.worldbank.org/INTJUSFORPOOR/Resources/GolubNonStateJusticeSystems.pdf>

(Accessed 2 June 2009)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources consulted

BBC News

Canadian IRB

Danish Immigration Service

ECOI

IRIN News

LexisNexis

Refugee Documentation Centre Query Database

IDSN

Relief Web

Google
Refugees International
BBC Monitoring
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Attachments