Access to Legal Aid Service in Bangladesh:

A Data Mapping and Survey Exercise for Community Legal Services

KHAN FOUNDATION

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A Data Mapping and Survey Exercise for Community Legal Services

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Knowledge shall make us Free

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ACCESS TO LEGAL AID SERVICE IN BANGLADESH: A DATA MAPPING AND SURVEY EXERCISE FOR COMMUNITY LEGAL SERVICES

Chapter 1

1.1 Introduction

Providing access to justice to the underprivileged and vulnerable groups in society (the bulk of whom comprise of women, children and minority groups), still remains an elusive vision in Bangladesh. While enactment of necessary legislation began in Bangladesh with the introduction of provisions for legal aid, significant progress has not yet been achieved with respect to meeting the challenges of providing overall access to legal aid services Regardless efforts have been made to create awareness within the framework of both government and non-government infrastructures.

In a democratic country like Bangladesh every citizen regardless of income, age, gender, social standing and geography has the right to get legal aid services and justice.. However, as a large number of the population live below the poverty line, they have little or no means to have access to justice to protect their legal rights. To address this problem, legal aid services have been instituted under different laws and acts. These laws and acts are intended to provide support to the poor to institute or defend cases in courts. In Bangladesh, some Non-Government Organizations (NGOs) have pioneered the Community Legal Services (CLS) movement. Apart from court cases, these NGOs have training, mediation, legal awareness, and counseling services to help indigent people solve their legal problems.

Community legal service is necessary to uphold human rights and equality to ensure justice since every democratic society needs to ensure justice for all citizens. Scholars have identified legal service as an effective instrument for ensuring rule of law in the society. Legal service is also an instrument to seek protection under law. It is the professional legal assistance given either free or for a nominal sum, to indigent persons in need of such helps. The Constitution of Bangladesh has in clear terms recognized the basic fundamental human rights. One of the basic fundamental rights guaranteed is that all citizens are equal before law and are entitled to equal protection of law.

Background and Rationale

Every individual in society has the right to access legal aid services and justice under the basic tenets of human rights. However, over the years, it has been seen that many vulnerable groups, such as women, children lack proper access to legal services and therefore find themselves unjustly treated as citizens. Although some legal provisions do exist to protect them from abuse such as child marriage and trafficking, absence of provision of social and economic security make the implementation aspects of these laws virtually non-existent and thus making the legal safeguards ineffective. Surprisingly the power of these acts appears enormously strong on paper, yet in practice, the implementation aspects of the provisions of these laws seem to fall short.

A Community Legal Services (CLS) Project was carried out to empower and support legal and human rights based NGOs in Bangladesh in order to deliver community legal services, such as legal aid, community mediation, alternative dispute resolution, resolution of land rights issues, in as many districts as possible. The main strategy of the project is to provide grants to CLS's partner organizations in order to deliver CLS in the areas where they are most needed, especially in the remote areas, and areas where there has been no CLS activity yet in the past.

In 2007, a mapping exercise had been conducted by the Asia Foundation, which had identified the various NGOs working in the area of CLS. This study had concluded that CLS activities are present in 35% area of the country. This is a conclusion which the baseline study would like to validate. Since the study had been conducted in 2007, the state of affairs in CLS may have changed over the years.

To have a clear understanding of the prevailing situation of Legal Aid Services, Khan Foundation conducted a baseline study consisting of a mapping exercise followed by an institutional survey. The objectives were to determine the current scope and extent of legal aid services being provided by NGOs by themselves, through their field offices or through their partner NGOs. The institutional survey was conducted to provide information on the extent of the work of the legal NGOs, their governance structure, their donors and their partner NGOs.

The study made an attempt to evaluate Government and Non-Governmental Organizations' (NGOs) efforts to provide such access by identifying these organs/organizations as well as by mapping their presence in geographical locations within Bangladesh at the District and Local level

1.2 Objectives of the Research

Efforts have been made to find out the present situation of legal aid services provided by the government and non-government organizations, the barriers against the service, limitations and challenges for providing legal aid services and the people for whom the legal aid services have been introduced how much they have been benefited. The objectives of the research are divided into two activities. The first activity was to carry out a mapping exercise to determine the current scope and extent of effective legal aid service provision by various legal NGOs through their own offices or through their partner NGOs. Second was to conduct an institutional survey to collect information on the extent of the work of the District, Upazila and Union level and offices that are responsible for providing legal aid services to the poor and services provided by the legal NGOs, and a perceptions survey of the people to understand the whether the demand for legal aid services are met by an adequate supply and whether said legal aid services are helping the disadvantaged community in need of these services.

The main objectives are as follows:

1. To discuss the present situation of legal aid services of Bangladesh.
2. To identify the legal aid service working areas conducted by the government and NGOs.
3. To assess the gaps in access of the disadvantaged community to the legal aid services
4. To describe the present condition of the legal aid service committees of Districts, Upazilas and Unions.
5. To evaluate the role of NGOs in providing legal aid services.

1.3 Importance of the Research

The research will help the government, NGO, civil society, teachers, students, researchers, poor community, parties demanding justice and the general people to know the present situation of legal aid services through the research. The research will help especially the disadvantage, vulnerable and under privileged community to know the legal aid services and the activities done by the non government organizations in this regard.

Chapter 2

2.1 Research Methodology and Data Collection

Both quantitative and qualitative research was carried out for the purposes of this study. Primary data as well as data was used for the data analysis and interpretation. Primary data collection consisted of a survey among general people, service providers, beneficiaries, lawyers and officers of district legal aid committee. Five types of questionnaires were developed and used for the purposes of this research. The questionnaires were developed through testing their effectiveness to acquire useful and quantifiable information from the sample by conducting field tests. Secondary data collection consisted of data collected from various sources including online legal aid directories and district level legal aid committees and additionally case study data were also collected from print and online media outlets, journals and various websites. Data collected from legal aid offices regarding 21,175 case files.

For conducting survey of public opinion, selection of districts were been made through random sampling across seven divisions. Quantitative data have been collected from the general people in 30 districts. There were 35 respondents in every district; therefore, a total 1050 respondents were interviewed in this area.

Quantitative and qualitative data have been collected from 130 beneficiaries across 64 districts,120 lawyers across 45 districts, legal aid offices and officers from 35 districts, 52 legal aid services organizations (organization and associate organizations) from 39 districts.

The Focus Group Discussion (FGD) was conducted in 25 districts among all people regardless of social status. In every FGD, 12 people selected at random took part in the survey. The Focus Group Discussions (FGD) were carried out mainly to confirm or counter the opinions of the panel lawyers of the government and non-government organizations in order to fully understand the institutional capacity of the district legal aid services offices, the present condition of different legal aid committees, the fees of lawyers, service categories of government and non government organizations .

For collecting data 30 data collectors from different districts, Khan Foundation officers of different regional offices, members of NGO Networks, members of women lawyers network and members of district citizen watch group have been engaged. Data collectors have been trained up on survey method, questionnaire and others related issues by an orientation program.

2.2 Working Area of the Research

The research study was conducted across all 64 districts of Bangladesh.

2.3 Types of Stakeholders

1. District legal aid officers
2. Panel lawyers (government and non-government)

3. Non-government organizations engaged in legal aid services at the national and regional level
4. Beneficiaries
5. General people

2.4 Authenticity of Data

The data collectors were present in the working field during collecting data from the different stakeholders for ensuring quality of research. Besides spot-check, back-check and checking over telephone have been made by the research team. The collected data were filled up in the excel sheet format database. The collected data were verified several times over telephone before and after entering in the database sheet.

2.5 Reference period and duration

The reference period for the study was from November 2014 to May 2018 and the activities of survey, interview and Focus Group Discussion (FGD) were conducted for the completion of research.

Chapter 3

Working Field of Legal Aid Service

3.1 Identification of the legal aid services offices in the District and Upazila level (non-government)

Legal aid service provider non government organizations project name, area, donors and period

SL	Organization Name	District	Upazila	Union	City/ Paurashava	Project Name & Area	Donors	Period
1	**BRAC**	**61**	**431**			Human Rights and Legal aid Service program Project **Working area** 61 Districts	1. Ministry of Women and Child 2. Acid survival Foundation 3.UNDP 4.Jiz (Germany) 5.Korea 6. DFID 7. Strategic partnership Agreement (Australia) 8. Own	Continuing
2	Madaripur Legal aid Association	3	12			Access to Justice and Human Rights(Royal Danish Embassy) **Working Area** 1.Madaripur 4Upazila (Sadar Rajoir, Kalkini Shibchar) 2.Shariatpur 6 Upazila (Sadar Bhedarganj Damudya Gosairhat,Zajira Naria 3.Gopalgonj 2 Upazila (Sadar Tungipara	1. The Embassy of Denmark	July 2011 – June 2016
		4	10	70		Access to Justice through Community Legal services(CLS) **Working area** 1. Barisal 4 Upazila 32 Union (Agailjhara 5 Babuganj 6 Ojirpur 9 Bakergonj 12) 2. Pirojpur 4 Upazila , 28 Union (Sadar 7 Zianagar 3, Matbaria 9	1. Maxwell Stamp/Plc/ DFID	April 2013 – March 2017

						Nazirpur 9 3. Madaipur 1 Upazila 5 Union (Shibchar-5) 4. Shariatpur 1 Upazila,5 Union (Bhedargonj		
		1	3	8	-	Promoting Access to Justice through Enhanced Responsiveness and Accountability of Communities and Public Institutions **Working area** Rajbari 3 Upazila 8 Union (Sadar Goalandaghat Baliakandi)	MJF/ UKAID	August 2013- December 2016
3	Ain o Salish kendra (ASK)	20	20			**Working area** 11 Clinic in Dhaka and 7 clinic outside of Dhaka (Chittagong, Barisal, HobigonjTangail , Satkhira Rajshahi, Bogra)	1. Norway 2. SDC 3.Maxwell stamp (DFID)	
4	BLAST	6	16	-	2	Access to Justice for the Marginalized through Community Legal services CLS) **Working area** Dhaka City corporation (South and North) 1. Rajshahi City corporation and Rajshahi University 2.Dinajpur 5 Upazila (Birgonj Biral, Bochagonj Kaharole, Dinajpur Sadar) 3. Naogaon 2 Upazila (Porsha Sapahar) 4. Faridpur 1 Upazila (Faridpur Sadar) 5.Rangamati 8 Upazila (Rangamati sadar Kaptai, Rajasthali	1.Maxwell Stamp/Plc/DFID 2. MJF 3. Christian Aid 4. Danchuarch Aid 5.Danida 6. Daokonia 7. Dristipat 8. Moments of Joy 9.Oxfamnovib	April2013 – March 2017

						Bagaichari Juraichari Belaichari Barkal, Kawkhali) 6.Chittagong University		
		2	3	23		Access to Legal Empowerment and outreach (ALO) **Working area** 1. Comilla 1 Upazila (Sadar South) 2. Sylhet 2 Upazial (Bishwanath and Sadar)	MJF	
			-	-		Access to Justice for Realisation of Human Rights and Advocacy for Empowerment of the Poor **Working area** 11 District (Barisal,Bargun a Chittagong Khulna Mymonshing NoakhaliJessore , Rangpur Patuakhali, Pabna Tangail, Dhaka (Gopibag Clinic)	1.Christian Aid 2.Danchuarch Aid 3.Danida 4.Daokonia 5.Dristipat 6.Moments of Joy 7.Oxfamnovib	
5	Bangla desh Nationa l Women Lawyer Associa tion (BNWL A)	1	5	62		Justice For All (JFA) **Working area** Dhaka district: 5 Upazila, 62 Union (Savar13,Dohar 7 Keranigonj 12 Dhamrai16 Nawabganj14)	1.USAID 2.Maxwell stamp (DFID)	October 2015 – March 2017
		8	11	44	1	Making women legal rights a reality in Bangladesh (CLS) **Working area** 1. Rangpur 2 Upazila (sadar Gongachora) 2. Kurigram 2 Upazila (Nageshwari Bhurungamari)	Maxwell Stamp/Plc/DFID	April2013 – March 2017

						3. Gaibandha 2Upazila (Gobindagonj Saghata) 4. Jamalpur 1 Upazila (Sarishabari) 5. Tangail 1 Upazila (Delduar) 6. Mymensingh 1 Upazila (Gafargaon) 7. Satkhira1 Upazila (Kalaroa)		
		6	8	102		Protecting Human Rights(PHR) **Working area** 1. Barguan 1 Upazila (Sadar) 2.Jassore 1 Upazila (Monirampur) 3. Bagura 3 Upazila(Sariakandi, Sonatola Shibgonj) 4. Dinajpur 1 Upazila (Chirirbandhar) 5. Sylhet 1 Upazila(Balagonj) 6. Chittagong 1 Upazila (Patia)	1.Plan Bangladesh 2.USAID	
		3	3	12		1.Ending violence Against Women through Community Action 2.Access to Justice for Realisation of Human Rights and Advocacy for Empowerment of the Poor **Working area** 1. Kushtia 1 Upazila (Sadar) 4 Union 2. Thakurgaon 1 Upazila (Sadar) 4 Union 3.Barisal 1 Upazila (Sadar) 4 Union	1.Christian Aid, 2.Danchuarch Aid 3.Danida 4.Daokonia 5. Dristipat 6. Moments of Joy 7.Oxfamnovib	

6	Bangladesh environmental Lawyers Association (BELA)	2				Community cal service **Working area** 1. Tangail 2. Chittagong 3. Rajshai 4. Sylhet 5. Barishal 6. Khulna	1.Maxwell stamp (DFID)	
7	UTTARON	1	2			Strengthening Community legal services in Northern Bangladesh (CLS) **Working area** Satkhira 2 Upazila (Ashasoni and Debhata)	1. Maxwell stamp (DFID)	April 2013 – March 2017
8	RUPANTAR	2	17	159		Justice For All (JFA) **Working area** 1. Khulna 9 Upazila 68 Union (Fultala 4 Rupsha 5 Terokhada 6 Dighalia 6 Batiaghata7 Dumuria14 Paikgacha10 Dacop 9 Koyra 7 2. Jessore 8 Upazila 91 Union (Sadar 15 Bagherpara 9 Abhaynagar 8 Chaugacha 11 Keshabpu 9 Sharsha 11 Manirampur 17 Jhikargacha 11)	USAID	August 2013 – January 2017
9	Khan Foundation	10	15	150	12	Legal aid Service program **Working area** 1. Cox'sbazar 2 Upazila (Ramu and Sadar) 2. Chittagong 1 Upazila (Mirsharai) 3.Chandpur 1 Upazila (Faridgonj) 4. Comilla 1 Upazila (Chaddagram) 5.Brahamanbaria 2 Upazila (Sadar and Bijoynagar)	Customized Fund	November 2011- till now

						6. Manikgonj 2 Upazila (Sadar and Saturia) 7. Kushtia 1 Upazila (Sadar) 8. Meherpur 2 Upazila (Sadar and Mojibnagar) 9.Nator 2 Upaziala (Sadar and Naldanga) 10. Naogaon Upazila (Sadar)		
10	Democracy watch	2	20	208	-	Justice for all (JFA) **Working area** 1.Tangail 12 Upazila 110 Union (Madhupur 6 Dhanbari7 Gopalpur 7 Bhuapur 6 Ghatail11 Kalihati 13 Sadar12 Nagarpur12 Delduar 8 Mirzapur14 Sakhipur 8	USAID	August 2013 – January 2017
11	Comilla Aid	2	21	186	-	Justice for all (JFA) **Working area** 1.Rangpur 8 Upazila 84 Union (Sadar 11 Mithapukur17 Badargonj 11 Gangachara10 Taraganj 05 Pirganj 15 Pirgachha 09 Kaunia 06) 2. Dinajpur 13 Upazila 102 Union (Sadar10 Biral 11 Bochagonj 6 Kaharole 6 Birgonj 11 Khansama 6 Chirirbandar 12 Parbatipur 10 Fulbari 7 Birampur 7 Hakimpur 3 Nawabgonj 9 Ghoraghat 4)	USAID	August 2013 – January 2017
12	WAVE Foundation	2	4	30	-	Strengthening Legal Services for the Marginalized (CLS) **Working area** 1.Kustia 2 Upazila 17	Action Aid	April 2013 – March 2017

						Union (Kumarkhali 11 Bheramara 6) 2. Khulan 2 Upazila13 Union (Koyra 7, Dighalia 6)		
13	Gana Unnaya n Kendra	1	1			Facilitating community activism for Gender and Social Justice **Working area** Gaibandha 1 Upazila (Sadar)	Ain o Salish kendra	Continuing
14	S KS Foundat ion	1	5	55	-	Strengthening Community legal services in Northern Bangladesh (CLS) **Working area** 1.Gaibandha 5 Upazila 55 Union (Sadar 13 Fulchari 7 Sadullapur 11 Sundargonj 15 Palashbari 9)	Maxwell stamp (DFID	April 2013 – March 2017
15	EKOT A					1. Char livelihood Program(CLP) 2.SIRI	DFID	
16	Sylhet Youth Acade my	1	7	-		Justice For All **Working area** 1. Moulvibazar 7 Upazila (Barlekha Kamalgonj Kulaura Moulvibazar Sadar, Rajnagar Sreemangal, Juri)	USAID	August 2013 – January 2017
17	Sabala mby Unnaya n Samity (SUS)	1	1	4		Gender and Socialistic (Ain o Salish Kendra) **Working area** 1. Netrokona Sadar Upazila (4 Union)	Maxwell stamp (DFID)	
১৭		4	9	37		Excess to Justices **Working area** 4 district 9 Upazila 37 Union 1. Netrokona Sadar, Atpara Barhatta Purbodola 2.Mymonsing Sadar, Muktogacha	MJF	

						3. Jamalpur sadar 4. Sherpur Sadar		
		1	1	3	-	Ensuring Effective legal Aid Support Services (EELLAS) **Working Area** 1.Netrokona 3 Upazila (Mohangonj Kalmakanda Madan)	1.Maxwell stamp (DFID) 2. Ain o Salish Kendra 3.MJF Maxwell stamp (DFID	
		2	8			Promotion of Equitable Society by Ensuring Access to Justice (CLS) **Working Area** 1.Netrokona 4 Upazila (Mohangonj Kalmakanda Madan Durgapur) 2.Mymonsing 4 Upazila (Dhobaura Haluaghat Fulpur Tarakandha)		April 2013 – March 2017
18	NDP	1	2			Improved Justice and Legal aid services (CLS) **Working area** Sirajgonj 2 Upazila(Kazipur Belkochi)	Maxwell Stamp (DFID)	April 2013 – March 2017
19	Prottay	2	2	6		Ensuring Effective legal Aid Support Services(EELL AS **Working area** 1.Chandpur Sadar Upazila 3 Union 3. Hobigonj Sadar Upazila 3 Union	. MJF	
20	Pabna Protisro ti	1	2			Improved Justice and Legal aid services (CLS) **Working area** Pabna 2 Upazila (Sadar and Bhera)	1.Maxwell Stamp (DFID) 2. Light House - USAID	April 2013 – March 2017

21	Light House	3	5		-	Improved Justice and Legal aid services(CLS) **Working area** 1.Bogra 1 Upazila (Dhonat) 2.Rajshai 2 Upazila (Godagari, Poba) 3.Naogoan 2 Upazila (Bodolgachi Mohadebpur)	Maxwell Stamp (DFID)	April 2013 – March 2017
		1	4	137	-	Ensuring Rights of Fair Justice for the Vulnerable and Adibashi Groups (JFA) **Working Area** 1. Rajshai 4 Upazil 29 Union (Mohanpur 6 Godagari 9 Bagha 6 Paba 8) 2. Bogra 12 Upazila 108 Union (Sadar 11 Sonatola 7 Sherpur 9 Nandigram 5 Adamdighi 6 Sariakandi 12 Shibgonj 12 Gabtali 11 Kahalo 9 Dhupchanchia 6 Shibgonj 10 Shajahanpur 10)	USAID	2013 – till now
22	Onnona Kollyan Organiz ation	1	9			Legal Awareness and legal aid through referral service **Working area** Noakhali 9 Upazila (Begumgonj Noakhali Sadar Catkhil Companigonj Hatiya, Senbagh Sonaimuri Subarnachar)	1.BLAST 2.BangladeshNari Progati Sangtha	

23	Khagrapur Mohila Kallyan Somiti	1	8			Violence against women 2. ARAD **Working area** Khagrachari 8 Upazila (Dighinala Khagrachari Lakshmichari Mahalchari Manikchari Matiranga Panchari Ramgarh)	1.Jumman net (Japan) 2.EED (Germany)	
24	Progati Kendra	1	1	4		Ending violence Against Women through Community Action. **Working are** Dhaka 1 Upazila (Dhamrai) 4 Union	1.MJF 2. BNWLA	
25	Bangladesh Association for Community Education - BACE	1	1			Ensuring Effective legal Aid Support Services (EELLAS) **Working area** Narsingdi Sadar	MJF	
26	POPI	1	1			1. Gender and Social Justice 2.Combating Domestic violence Against Women **Working area** Kishorgonj Sadar	1.MJF 2. Ain o Salish kendra	January 2016-December 2017 August 2013-December 2016
27	IPSHA	2	6	77		Community Legal Services for Access to Justice(CLS) **Working area** 1.Chittagong 3 Upazila (Fatikchari Rangunia Sandip) 2.Cox'sbazar 3 Upazila (Moheshkhali Ramu, Kutubdia)	1.Maxwell stamp (DFID) 2.BLAST	March 2014-February 2017

28	Codec	2	4	27		Rights and Legal Capacity Enhancement of Coastal CBOs (CLS) **Working area** 1.Chittagong 2 Upazila (Shitakunda Chandgaon) 2.Pautikhali 2 Upazila (Sadar Kolapara)	1.Ain o Salish Kendra 2.Maxwell Stamp (DFID)	April 2013 – March 2017
29	Broti	২	৪	২৮		Protecting the Vulnerable Through Community legal services (CLS) **Working area** 1.Rajshai 2 Upazila 6 Union and 2 paurashava (Tanor,Mohonpur) 2. Naogaon 2 Upazila 20 Union (Mandha Niamotpur)	1.Maxwell Stamp (DFID)	April 2013 – March 2017
30	Bhomij Foundation	1	1			Strengthening Community legal services in Northern Bangladesh (CLS) **Working area** Satkhira 1 Upazila (Tala)	Maxwell Stamp (DFID)	April 2013 – March 2017
31	Shohay	1	1			1**.** Strengthening Community legal services in Northern Bangladesh (CLS) **Working area** Satkhira 1 Upazila (Kaligonj)	Maxwell Stamp (DFID)	April 2013 – March 2017
32	Coast Trust	1	3			Access to justice through Community Legal services (CLS) **Working area** Bhola 3 Upazila (Tazumuddin Monpura, Char Fasson**)**	Maxwell Stamp (DFID)	April 2013 – March 2017
33	Nagorik Uddag	2	5			Access to justice through Community Legal services (CLS) **Working area**	Maxwell Stamp(DFID)	April 2013 – March 2017

						1.Barisal 3Upazila (Mehendigonj Gawronadi Barisal Sadar) 2.Jhalokhati 2 Upazila (Nalcity and Sadar)		
34	Bachta Shekha	2	6			Access to Justice through Community Legal services (CLS) **Working area** 1. Jessore 3 Upazila (Jhikargacha Keshabpur Abhaynagar) 2. Gazipur 3 Upazila (Kapasia Sreepur Kaliakair)	1.Maxwell Stamp (DFID)	April 2013 – March 2017
35	Green Hill	2	2			Community Legal services (CLS) **Working area** 1.Rangamati 1 Upazila (Langadu) 2. Bandarban 1 Upazila (Ali Kadam)	1.Maxwell Stamp (DFID)	April 2013 – March 2017
36	Bright Bangla desh Forum	1	-	-	5	Community Legal services (CLS) **Working area** Chittagong city corporation	1.Maxwell Stamp (DFID)/BLAST	April 2013 – March 2017
37	Action for Social Develo pment (ASD)	1	2			Community Legal services(CLS) **Working area** Sunamgonj 2 Upazila (Derai South Sunamgonj)	Maxwell Stamp (DFID)	April 2013 – March 2017
38	Women Job Creatio n Center (WJCC)	1	3	30	-	Protecting Human Rights of Women and Uncountable Community in Coastal areas Through Active Legal Aid Committee (JFA) **Working area** 1.Khulna 3 Upazila 30 Union (Dacope Batiaghata Domuria)	USAID	August 2013 – January 2017

39	Shochet on	1	9	71	-	Justice For All **Working area** 1. Rajshahi 9 Upazila 71 Union (Puthia 6, Bagha 6, Durgapur 7 Charghat 6, Paba 8 Bagmara 16 Mohanpur 6 Tanore 7 Godaghari 9)	USAID	August 2013 – January 2017
40	Manob Kallyan Parisha d	1	1			Making Women Legal Rights a Reality in Bangladesh (CLS) **Working area** Dinajpur 1 Upazila (Fulbari)	1.Maxwell Stamp (DFID)/ BNWLA	August 2013 – January 2017
		1	1	7		Promoting Access to Justice through Enhanced Responsiveness and Accountability of Communities and Public Institutions **Working Area** Thakurgaon sadar 7 Union	MJF/UKAID	
41	AVAS (Barisal)	1				1.Legal Aid Support to the disadvantaged Women 2.Making women legal rights a reality in Bangladesh (CLS)	1.BNWLA/Maxwell Stamp (DFID) 2. Ain o Salish kendra	August 2013 – January 2017
		1	1	4	-	Making women legal rights a reality in Bangladesh (CLS) **Working area** 1. Barguna Pathorghata Upazila 4 Union	Maxwell Stamp (DFID)	August 2013 – January 2017
42	Naria Unnoya n Samit (NUSA)	1	1	4	-	Making women legal rights a reality in Bangladesh (CLS) **Working area** Khulan Dacope Upazila 4 Union	BNWLA / Maxwell Stamp (DFID	August 2013 – January 2017

43	Friends Association for Instigated Revolution (FAER)	2	2	-	2	Free Legal aid Service **Working area** Kustia Pauroshova Making women legal rights: a reality in Bangladesh (CLS) **Working area** Khulna city corporation	Bangladesh NGO Foundation	August 2013 – January 2017
44	Socio Economic Development Alliance (DEDA)	1	1	4	-	Making women legal rights: a reality in Bangladesh (CLS) **Working area** Moulvibazar sadar Upazila 4 Union	BNWLA/ Maxwell stamp (DFID)	August 2013 – January 2017
45	Thanapara Social Development Society	1	1	4	-	Ending Violence Against Women through Community Action (EVAWCA) **Working area** Rajshai Chargat Upazila 4 Union	1.DFID 2.MJF 3.BNWLA	
46	Shounnayan	1	1	4	-	Ending Violence Against Women through Community Action (EVAWCA) **Working area** Rajshahi Paba Upazila 4 Union	1.DFID 2.MJF 3.BNWLA	
	Dipti Foundation	1	2	14	-	Promoting Access to Justice through Enhanced Responsiveness and Accountability of Communities and Public Institutions **Working area** Jessore 2 Upazila 14 Union (Sadar and Manirampur)	(MJF/UKAI)	
48	Gono Kallyan Songtha (GKS)	1	2	7	-	Promoting Access to Justice through Enhanced Responsiveness and Accountability of Communities and Public Institutions**Working area** Sirajgonj 2	1.MJF/UKAID 2. Ain o Salish kendra	

						Upazila 7 Union (Ullahpara Raigonj)		
49	CRD	1	3	7	-	Promoting Access to Justice through Enhanced Responsiveness and Accountability of Communities and Public Institutions **Working area** 1.Panchagarh 3 Upazila 7 Union (Boda, Atwari Sadar)	(MJF/UKAID)	
50	Polashi Para Somaj Kallyan Somiti	1	3	17		Legal aid service **Working Area** Meherpur District	Own Fund	Continuing
51	Ma o Moni	1	1	9		Legal aid service **Working Area** Meherpur district Gangni Upazila	Own Fund	Continuing
52	BARS HIK	1				Legal aid service **Working Area** Manikgonj district	Own Fund	Continuing

3.2 Legal **Aid Activates of Khan Foundation**

Identification of the legal aid services offices of Khan Foundation

As mentioned, Khan Foundation (KF) has current operations in 30 districts. Additionally, various programs of KF carried out previously such as the Justice System Education Initiative Program trained district judges from 61 districts and the 7th Women Lawyers' Congress brought lawyers from 48 districts and KF still maintains communication with these Judges and Lawyers, "Ensuring Effective Legal Aid Support Services" operates in 3 districts. Out of current program "Combating Trafficking and Violence against Women Using 24 Hour

Mobile Hotlink" in 36 districts, "Practice of Democracy: Prerequisite for Good Governance" in 20 districts. "APARAJITA: Political Empowerment of Women" operates in 10 districts.

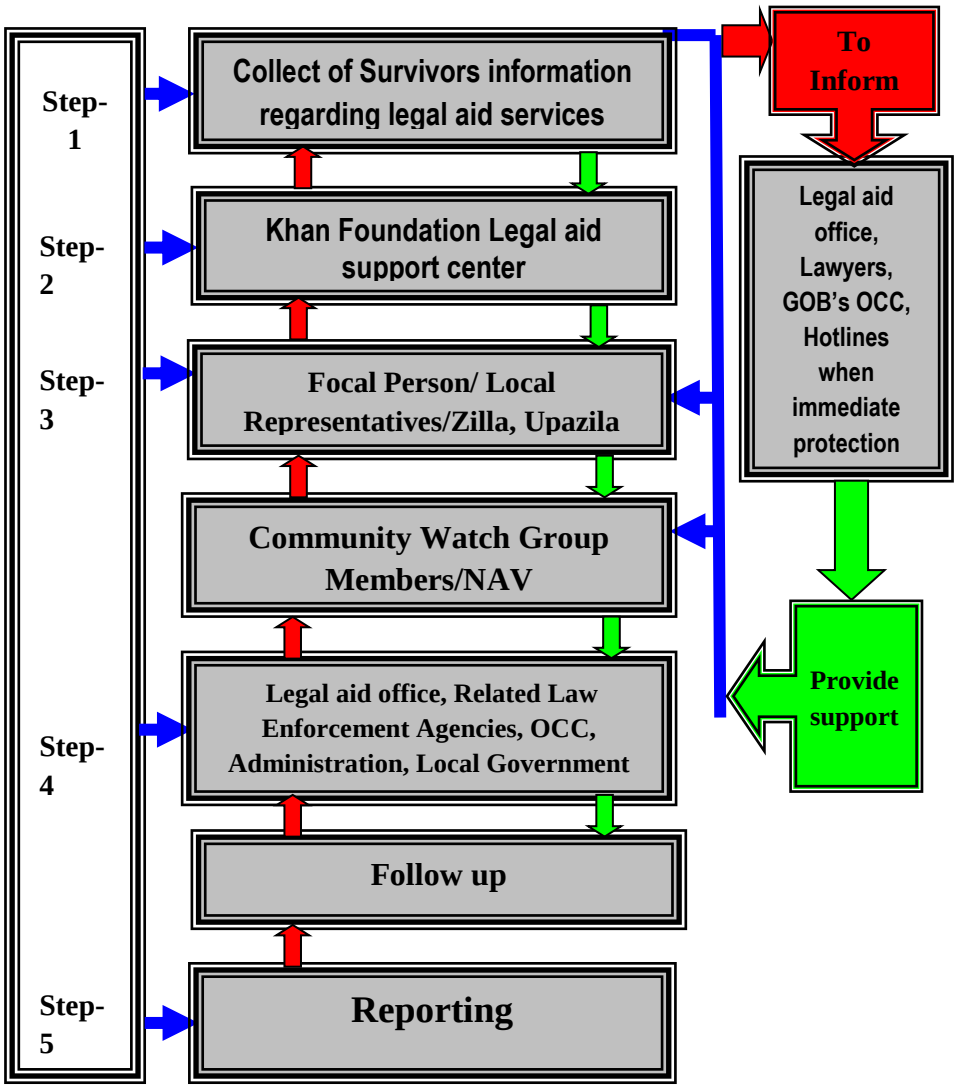
The Status of Khan Foundation's work in legal aid services in the past decade

It is said that in Article 19 of Bangladesh constitution that the state shall endeavor to ensure equality of opportunity to all citizen. In Article 27, it is said that the all citizens are equal before law. Again in Article 31, the right to enjoy the protection of law has been ensured and also recognized as the ethical right of a citizen.

Most of the citizens of Bangladesh are poor and unaware of their rights. They are seeking protection before law only when they fail to resolve any conflict within the circumstances of their local community. Often they are doubtful about getting justice from the court or fearful of being harassed by the mediators.

Most of the people of Bangladesh seek protection before law for the issues related to domestic violence (dowry, divorce, bridle money, maintenance allowance etc) and women and child abuse related cases. During court proceedings, they sometimes become victim of harassment or it takes a long time to complete the trail.

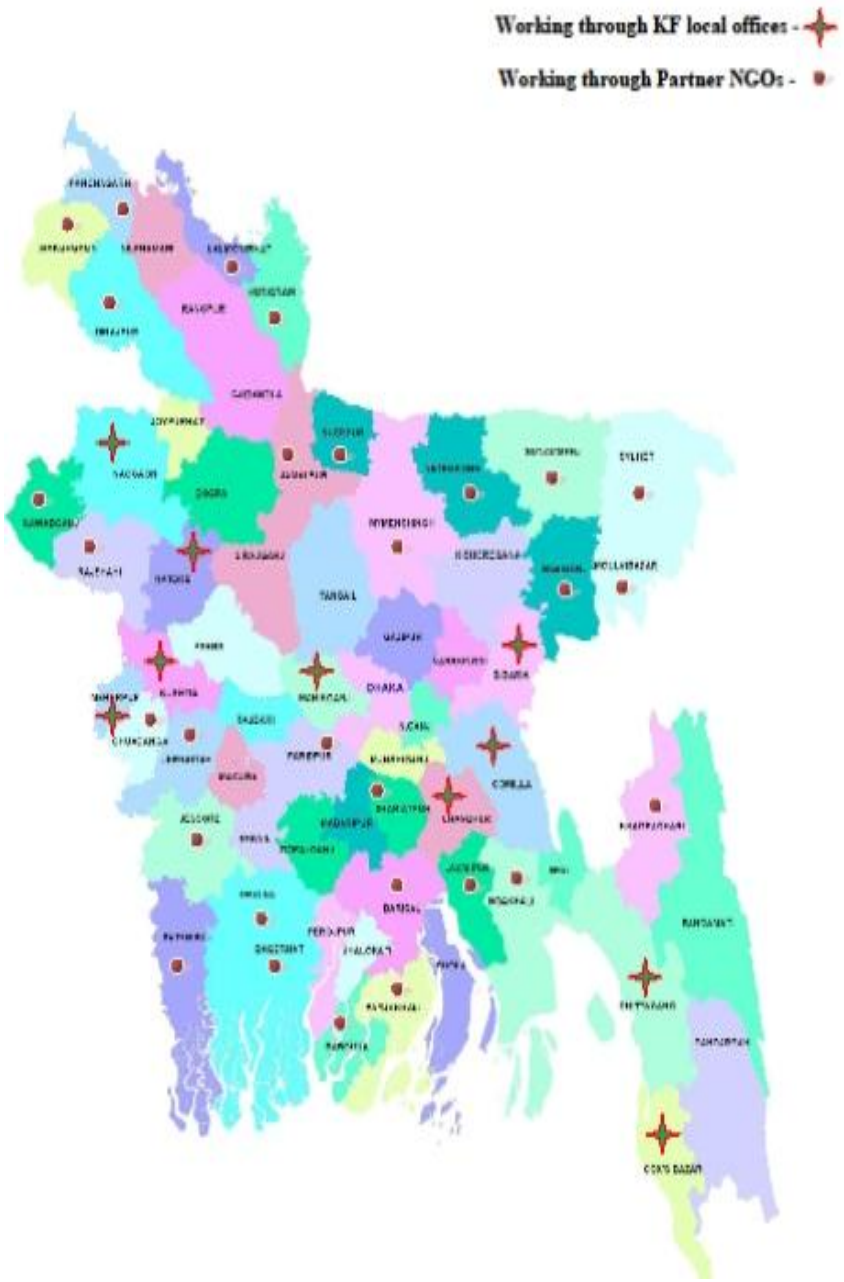
Flow chart
On
Ensure legal aid service to establish Network with Different Stakeholders



As a result, many of them are deprived of justice or in some situation, are compelled to mediate with the accused through arranging alternative dispute resolution locally. After realizing these complexities and limitations, the government established “Legal Aid Services Act. 2000” to provide legal aid to the litigants who are incapable of seeking justice due to financial insolvency, destitution, helpless and for various other socio- economic condition. After making this act, the government established “National Legal Aid Services Organization” through notification in the official gazette. Through this organization the government has formed “Legal Aid Service Committee” in every district, upazila and union level. They key responsibilities of this organization consist of providing legal assistance to litigants who are incapable of seeking justice due to financial insolvency, destitution, helplessness and for other various socio- economic conditions as well as creating awareness about legal aid among mass people. However sometime this organizations giving legal aid cannot provide assistance according to the requirements due to lack of budget, insufficient man power and other constraint. In this case, various non-government organizations with the funding of donors as well as with their own initiatives are implementing different activities in different districts of Bangladesh to make legal aid services people oriented.

Khan Foundation has conducted a research on Legal Aid Services for a long time (about 18 months) in different districts of Bangladesh. The research has found out several issues like which non- government organization are operating the activities of providing legal aid, the number of districts, upazilas and unions covered by them and source of funding for these activities. The representatives of Khan Foundation collected detailed information about the working area and activities of these organizations that are implementing services in local levels. In this case, the representatives of Khan Foundation discussed the issues with representatives of these organizations. The organizations that are working for providing legal aid can be shown in following map: 3.3

The map of Khan Foundation (KF) working field of legal aid service is attached herewith at last and marked as (Enclosure 01)


Working through KF local offices -
Working through Partner NGOs -

Chapter 4

The Present Scenario of Legal Aid Services in Bangladesh by the Government, NGOs and Development partners

4.1 Existing Legal Aid Service Provision in Bangladesh

Under the Legal Aid Services Act, 2000 the disadvantage people of Bangladesh who cannot afford the fees of case management system have been provided legal help without any cost. The important laws which deal with Community Legal Services specifically are the Legal Aid Service Act, 2000, the Village Courts Act, 2006, the Muslim Family Laws Ordinance, 1961, the Resolution of Dispute (Municipal Area) Board Act, 2000, the Code of Civil Procedure, 1908 and Salish Ain, 2001 (Arbitration Act, 2001). National Legal Aid Committee and District Legal Aid Committee are the creations of the Legal Aid Service Act, 2000 and these two organizations consist of majority of government representatives. The NGOs provide legal aid as defined in the Legal Aid Service Act 2000 to some extent.

The Legal Aid Services Act, 2000 was passed with a view to providing legal aid services free of cost to the disadvantage and vulnerable people. Later, the government under this Act formed The National Legal Aid Services Organization (Establishment of Upazila and Union Committee, Duties and Functions etc) Regulations 2011 and Legal Aid Regulations 2014. Under this Act the government established National Legal Aid Committee and in subordinates to this committee the District Committee with the chairmanship of the district and sessions judge. Additionally, steps have been taken by forming the Upazila and Union Legal Aid Committee to engage lawyers with the government cost for providing legal aid service to the poor and vulnerable people. In the Constitution of the People's Republic of Bangladesh right to protection of Law, equality before law, equality of opportunities, protection of right to life and personal liberty etc have been inserted. The legal rights of all citizens to legal aid services of the people are mainly based on these constitutional rights.

Article 19 (1) of the Constitution of the People's Republic of Bangladesh contains that the state shall Endeavour to ensure equality of opportunity to all citizens. 19(2) the state shall adopt effective measures to remove social and economic inequality between man and man to ensure the equitable distribution of wealth among citizens, and of opportunities in order to attain a uniform level of economic development throughout the Republic. 19(3) the state shall Endeavour to ensure equality of opportunity and participation of women all spheres of national life. Article 27 refers that all citizens are equal before Law and are entitled to equal protection of Law. Under article 31 to enjoy the protection of Law and to be treated in accordance with Law, and only in accordance with Law, is the inalienable right of every citizen, wherever he/she may be, and of every other person for the time being within Bangladesh, and in particular no action detriment to the life, liberty, body, reputation or property of any person shall be taken except in accordance with Law.

Every citizen in Bangladesh, even the disadvantage has the right to get access to justice. However, due to various country-specific limitations, disadvantage people cannot go the court to seek proper remedy. National Legal Aid Services organization has been formed to provide legal aid service to the disadvantage and helpless people. Through the organization the disadvantage and helpless people of 64 districts have been benefitted. By the side of government, many non-government organizations are providing legal aid service to the

disadvantage people of Bangladesh. In this research the present situation of legal aid services of Bangladesh has been discussed.

The following legal services have been provided by the side of delivering legal advices:

- Providing free wokalatnama
- Appointment of lawyers for conducting the case
- Payment of Lawyers fee
- Payment of Mediators or Arbitrators fee
- Providing certified copy of judgment, order etc. free of cost
- Paying the cost of DNA test
- Providing the cost of advertisement in the newspapers of criminal cases
- Any other assistance along with costs for the cases

The cases in which the government cooperation is applicable

Criminal case	**Civil case**
Physical Torture	Marriage without the consent of existing wife
Dowry & harassment for dowry	Dower and Maintenance
Acid Throwing	Divorce
Trafficking	Guardianship and Custody of the Minor
Kidnapping	Cancellation of Instrument/Deed
Abduction	Permanent Injunction
Rape	Property distribution/ Partition
Sexual Harassment	Recovery of Property
Arrest and Detention by the Law enforcing agency	Suit for contact
	Suit for Declaration

As there is a significantly high population of disadvantage and vulnerable people in Bangladesh, while they have the right to free legal aid services, they are not aware of their rights. So, they don't know about the legal aid services provided by the government or non-government organizations.

4.2 The present situation of legal aid services of Bangladesh

Bangladesh has the laws in place to exercise these rights. National Legal Aid Services Organization (NLASO) has been formed to provide legal aid services to the disadvantaged communities in society. Through the organizations, communities across 64 districts have been benefitted. Many NGOs are also providing legal aid service to the vulnerable groups. In this research, the present situation of legal aid services of Bangladesh has been identified and discussed to highlight the existing scale and scope of legal aid service provision. Every

citizen has the right to get justice through court. The disadvantage citizen can get free legal assistance by the government many in disadvantage community cannot get the access to free legal aid service because they are not aware of the legal aid services.

From the government side, legal aid services organizations there are several non-government organizations which deliver the legal aid service to the disadvantage community such as BRAC, BLAST, Ain O Shalish Kendra, Manusher Jonno Foundation, Khan Foundation, Madaripur Legal Aid Association, Bangladesh National Women Lawyers Association, Democracy Watch, Rupantor, Light House etc. Not only the government organizations, but also the non-government legal aid services organizations are not sufficient for the assistance to the disadvantage people. It is noted that KF is not only dependent to the donors support to implement these kinds of activities. In addition to its donors support KF has developed network to provide legal aid services for the disadvantages people.

The present organizations which deliver the legal aid service at different areas are as follows

SL	Name of the organizations	District	Upazila	Donor and Donation
01	BRAC	61	431	1. Ministry of women and child affairs 2.Acid Survival Foundation 3. UNDP 4. DFID 5. JIZ Zarmany 6. Korea 7.Strategic Partnership Agreement (Australia)
02	Ain o Salish Kendro (ASK)	20	20	1. Norway 2. SDC
03	BLAST	20	19	1.Maxwel Stamp/Plc/ DFID 2.MJF 3. Christain Aid 4.Danchurach Aid 5. Danida 6. Daokania 7. Distipat 8. Moments of joy 9. Oxfamnovib
04	BNWLA	18	27	1. USAID 3. Plan Bangladesh
05	Khan Foundation	10	21	1.Own Funding2. HELVETAS (SDC)
06	Madaripur Legal Aid Association	8	25	1. USAID 2. The Embassy of Denmark3. EU, UNDPbd & GOB
07	Sabalamby Unnyan Somity(SUS)	8	19	1. MJF 2. Ain O Salish Kendro
08	Light House	4	9	1. USAID
09	Democracy Watch	2	20	USAID
10	Rupantar	2	17	USAID

The people of Bangladesh are not properly aware of the legal aid service, so they are deprived of the free legal aid services. The awareness program of the legal aid service is being promoted so that they can get the support of legal aid service. Besides the government legal aid organizations, some non government organizations are playing effective role in creating awareness among the disadvantage and vulnerable people by taking initiatives to make them known of legal aid service and collecting cases of the helpless people and sending them to the legal aid office. Moreover, the non government organizations in cooperation with the representatives of local government are promoting the awareness program about the legal aid service throughout the local community.

Chapter-5

Data Analysis and Findings of the Research

Section-1

Information about the service of the District Legal Aid Committees

5.1.1 Formation and present condition of the District Legal Aid Committee

The following committees are formed to give legal aid to the litigants who are incapable of seeking justice due to financial insolvency, destitution, helplessness and for various socio-economic conditions. In each district, committees are formed at the District, Upazila & Union levels to support the disadvantaged communities to provide them legal aid services. The committees scrutinize the plaintiffs' applications according to the rules & regulations pertaining to legal aid offices and final applicants are the beneficiaries for legal aid services. There is a regulation of committee formation in District, Upazila and Union level to support the disadvantage community for their legal aid assistance. The organizations scrutinize the applications (which have been applied by the disadvantage community people) according to the rules and regulations reserved in legal aid organizations and final listed applicant would be the beneficiaries for legal aid service. The Committee is responsible to take plans and initiate the activities to implement the plans. To know the present situation of District, Upazila and Union level Legal Aid Committee, data have been collected from the district legal aid officers, the members of the committee, representatives of the Upazila Legal Aid Committee, members of Union Legal Aid Committee, non-government legal aid organizations and the local people.

District Legal Aid Committee

After reviewing, it is found that the legal aid committee existed in 64 districts of Bangladesh. In district level the committee has been formed with 23 members with the chairmanship of the District and Sessions Judge. The Committee organizes a meeting in every month with the chair of the District and Sessions judge but in average 10-12 members are present in every meeting generally. It is found that several members send their representatives to the meeting.

Upazila Legal Aid Committee

The study found that in 312 Upazila(s) of 35 districts the legal aid services offices exist. Among them in 79 Upazila(s) the Committee organizes the meeting regularly and in the rest Upazila(s) the meetings are irregular. The chairman of the Committee (District and Sessions judge) took initiative to organize the meeting earlier but now it became irregular and the other activities have not been done. Normally in every three months after the Upazila Committee could have submitted the quarterly report (in prescribed form) to the district Committee but it is not regular. But when the district Committee requires, the upazila Committee will send the report in emergency basis. It is noted that the non-government legal aid organizations implement the different activities to strengthen the committee in those 79 Upazila(s) which are more active.

Union Legal Aid Committee

There are 2,193 Unions of 312 Upazilas in 35 districts where the Legal Aid Committees are only in written form but no activities in actual sense. Among them 553 Unions are regular in their activities and they organize their meeting regularly. In 1640 unions the legal aid committee is not active and several members of the committee do not know that they are in the committee **5.1.2 The name of the organizations and working areas which are working to form and activate the legal aid committee at present**

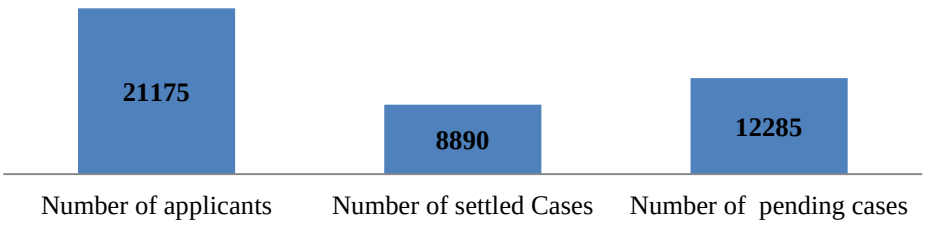
SL	Name of the organizations	Working area	SL	Name of the organizations	Working area
01	Khan Foundation	Cox'sbazer, Chittagong, Comilla, Chandpur, Brahmanbaria, Manikgonj, Natore Naogaon, Kushtia, Meherpur Narsingdi	11	Greenhill	Bandhor-ban, Ranga-mathi
02	Bangladesh Association for Community Education	Narsingdi	12	Light House	Rajshahi Naogaon, Bogra
03	Madaripur Legal Aid Association (MLAA)	Munshigonj	13	National Development Council	Joypurha t
04	Shodijon Kollyan Somity	Gajipur	14	Pabna Protisoroti	Pabna
05	Bachte Sheka	Gajipur	15	NDP	Sirajgong
06	Democracy Watch	Mymonsing	16	Sylhet Jubo Academy	Sylhet
07	Sabalmby Unnyan Samity	Netrokona	17	SKS Foundation	Gaibandh a
08	CODECC	Netrokona	18	Wave Foundation	Khulan, Kushtia
09	Eipsha	Chittagong Cox'sbazer	19	Shohay	Satkhira
10	Prottay	Chandpur, Hobigonj			

5.1.3 The filing of cases and settlements by the District Legal Aid Committee during last year

The reference period of the research was from November 2014 to May 2018 and the working area includes 64 districts. After explaining the data which have been collected from the legal aid officers as well as from the district legal aid office, we found that the total numbers of applications were 21,175 and among the cases 8,890 have been settled (42%). If calculate the average for all 35 districts applications, it would be 605 for each district. Among these 254 numbers of cases (42%) have been settled and 351 number of cases (57%) were pending.

During reference period in 35 districts 7,200 cases among 21,175 conducted by non-government legal aid services organizations that stand 34%.

4.1.1 The total number of cases & settlements in 35 districts through legal aid service providing organizations in last year

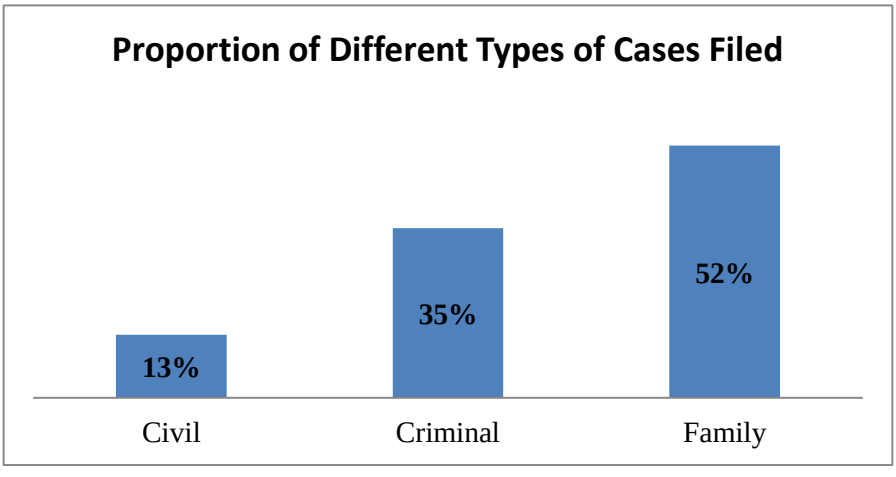


- Total numbers of cases – 21,175
- Settled cases - 8,890 (42%)
- Pending cases – 12,285 (58%)

5.1.4 Types of cases

The beneficiaries can get the legal assistance from the legal aid service providing offices in different districts. After analyzing the cases from dif ferent areas we found that 2753 are civil suits (13%), 7411 are criminal cases (35%) and 11,011 are family related suits (52%). The percentages of different types of cases are given below

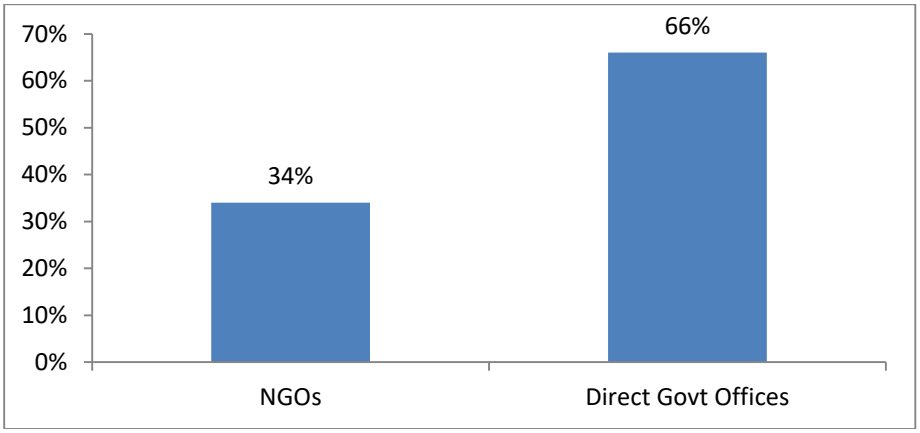
Types	Numbers of the cases	Percentage
Civil	2,753	13
Criminal	7,411	35
Family	11,011	52
Total	**21,175**	**100**



5.1.5 Cases handled by government

offices and NGOs

Out of 21,175 cases, it was found that 7,200 (34%) were handled via NGO legal aid services and 13,975 (66%) were directly handled by government legal aid offices.



Key Findings

From the data mapping, it was found that district level committees officially exist in all 64 districts. Out of a 23-member committee in each district, it was found that only 10 to 12 (roughly half) members attend monthly meetings. At the Upazila level, it was found that Upazila level committees exist across 35 districts only in 312 Upazila(s). Only 79 Upazila committees (about a quarter) are active and hold regular meetings and submit regular quarterly reports. It was also found that at the union level, Legal Aid Committees exist in 2193 Unions across 312 Upazilaas 533 Union Level Committees (about a quarter) are active and organize regular meetings to assess the status of legal aid cases.1640 Union Level Committees were found to be inactive and in most cases members were not even aware that they have been assigned to be the members of the committee. Of the total cases handled through legal aid schemes, roughly one third had been referred by the NGOs and two third directly handled by government legal aid offices. NGOs are mobilizing legal aid committees in Upazila and Unions where they are running projects providing legal aid services. District level offices receive many cases and they are usually backlogged due to limited resources. Since district level offices do not have enough resources to supervise Upazila and Union level offices, there is no accountability to function efficiently as a result; there are a lot of efficiency gaps in the work done by the offices.

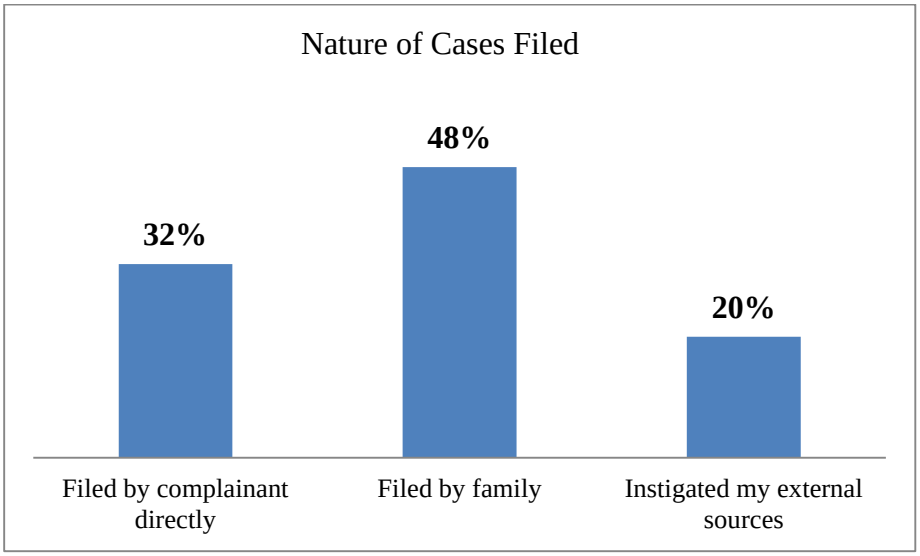
5.1.6 The scenario of district legal aid offices and the cases under 'Nari o Shishu Nirjaton Daman Tribunal' of the last year

After reviewing the data of 35 districts it is found that under 35 'Nari o Shishu Nirjaton Daman Tribunal' there were 2571 cases over the study period. Among these cases, 375 cases were identified as harassment cases (15%) and it included women and children oppressions, dowry, divorce and sexual harassment. During the research activities, it was observed that the harassment cases vary according to the region in different districts. The list of the districts where more harassment cases were filed is given below.

Name of the District	Total cases	Harassment cases	Percentage
Narsingdi	150	45	30.0
Bagerhat	25	7	28.0
Monshigonj	65	15	23.0
Chandpur	155	24	15.48
Narayangoj	480	60	12.50

5.1.7 Abettors of the harassment cases

Among 375 cases, the 48% (180 cases) were filed to harass the opponent by the family members. On the other hand several cases (32%) were filed by the complainants directly to harass the opponent. 20% cases were filed by the influence of neighbors, political persons and others. In many of the cases, it was found that the complainants did not have any intention to file the case but they were influenced by others to do so. This shown in the bar graph below.

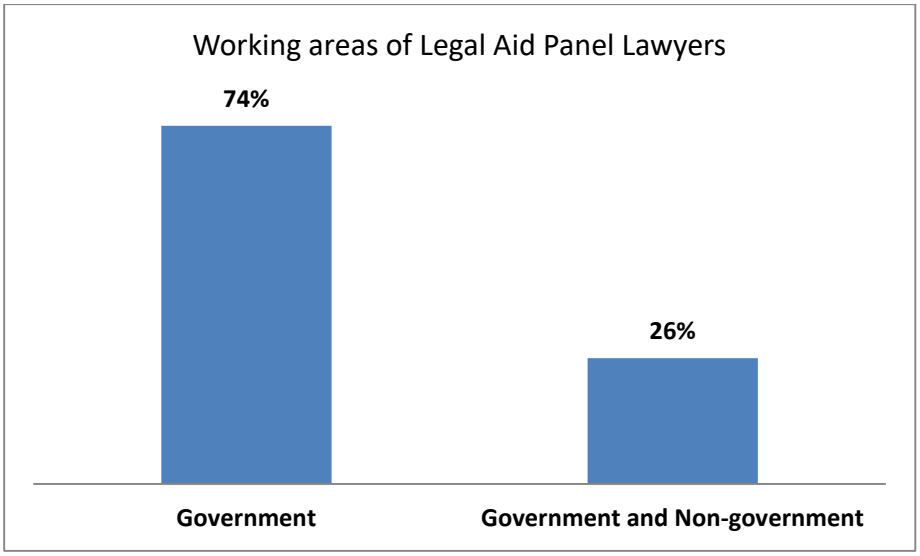


Section 2

Panel Lawyers

5.2.1

In the working areas of the study, 120 legal aid panel lawyers were surveyed about their involvement in the provision of legal aid services through the government offices and on case related activities of non-government. It was found that 31 lawyers (26%) were engaged with non-government organizations' cases as well as with the government legal aid services. For those cases, they are given as per date remuneration BDT 500 and monthly BDT 2000 to BDT 4500, and sometimes, it varies from BDT 2500 and BDT 5000 depending on the nature of the cases. The charge varies with experience, quality, seniority and other factors. Conversely, 89 lawyers (74%) were engaged only with government legal aid service and did not engage with cases through non-government organizations.



Key Findings

Among panel lawyers, it was identified that weak networks exist between lawyers and NGOs which leads to delayed settlements of cases. Additionally, lawyers do not have enough financial resources to help plaintiffs and therefore lose interest in cases. It is also difficult for lawyers to take on many cases since there is a lack of evidence to support cases. Police officers do not properly provide police reports (Charge sheet/ Final Report) to the courts properly thus resulting in lack of evidence against the plaintiff. Lack of funds for travel expenses and conveyance often cause plaintiffs to delay or drop charges. There is also a serious lack of awareness of legal aid services among the local community which also results in most cases not being taken to court.

5.2.2 NGOs Participating in Providing Legal Aid Services

10 NGOs are extensively involved as legal aid service providers throughout the country.

SL	Name of the organizations	District	Upazilla
01	BRAC	61	431
02	Khan Foundation	39	All
03	Ain o Salish Kendro (ASK)	20	20
04	BLAST	20	20
05	BNWLA	18	27
06	Madaripur Legal Aid Association	8	25
07	Sabalamby Unnyan Somity (SUS)	8	19
08	Light House	4	9
09	Democracy Watch	2	20
10	Rupantar	2	17

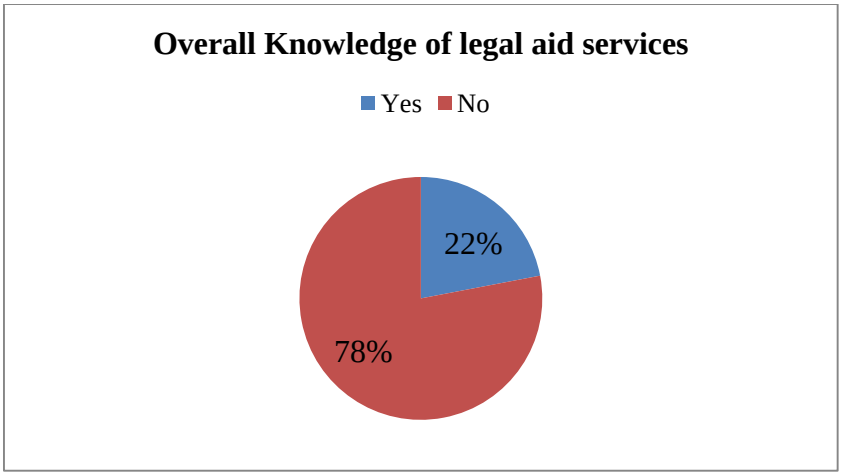
Key Findings

During the survey, it was found that many NGOs report that they continue to provide legal aid services even after their donor funded projects are over. This refers to the sustainability of donor funded projects and suggests that donor funded projects are sustainable and continue even after the project period is over. Majority of the NGOs used government shelter homes for lack of resources of their own. Shelter homes are required for plaintiffs who file criminal cases and are in need of protection from the accused. Khan Foundation is also a provider of legal aid services in 39 districts through KF Women Lawyers' Network (WLN), local and partner offices. While district level legal aid committees are active and functional, mostUpazila and Union level legal aid committees are not. Additionally, the Upazila and Union legal aid committees that are active are near areas where there are NGOs with existing working projects providing legal aid services. Furthermore, study in these areas found that once the NGO projects are over, the legal aid committees become inactive again. Therefore, there is some degree of inconsistency with the between NGO responses and their actual activities.

Survey of Public opinion

5.2.3 Knowledge about legal aid service

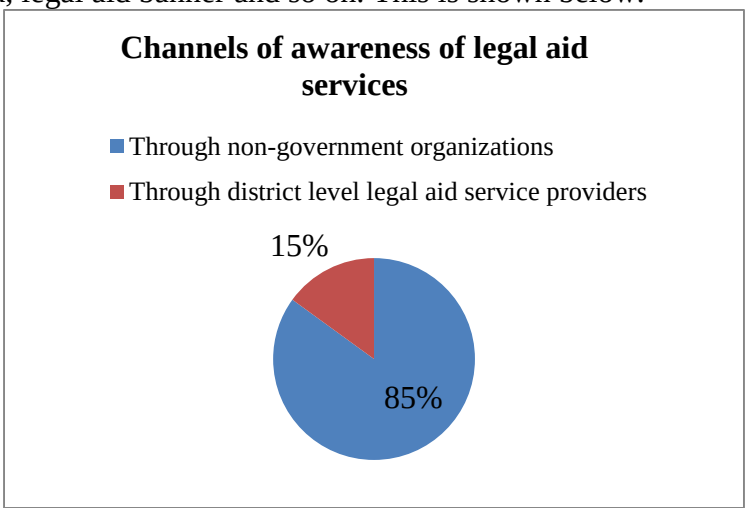
In 30 districts of 7 divisions the total number of interviewees is 1050 from different Districts and Upazilas who were interviewed about legal aid services. From every district 35 people of different professions and classed were selected at random. Among them, 22% people (231) were aware of legal aid service in District and Upazila levels. The rest remaining 78% were not aware about legal aid services in their districts. This can be seen below.



Additionally, in the areas where the non-government organizations conducted different projects and activities related to the provision of legal aid services, the people much better informed about legal aid services for those who cannot afford to pay for legal services. Consequently, in the areas where awareness programs had not been implemented, the percentage of the population who had sufficient knowledge about legal aid service was significantly lower.

5.2.4 The dissemination of information about legal aid services

Out of 231 people who are aware of legal aid service were asked about the medium through which they became aware of information of legal aid services. After analyzing the data, it was found that 85% (196 persons) got information from non-government NGO's awareness programs and 15% (35 persons) got the information from the awareness programs by district legal aid service provider organizations. The people received information from different activities such as Union Parishad, Legal Aid meeting, Local representatives, Lawyers, national day observance program, Women and children violence prevention meeting, poster, newspaper, TV ad, legal aid banner and so on. This is shown below.



5.2.5 Non-government organizations related with legal aid service

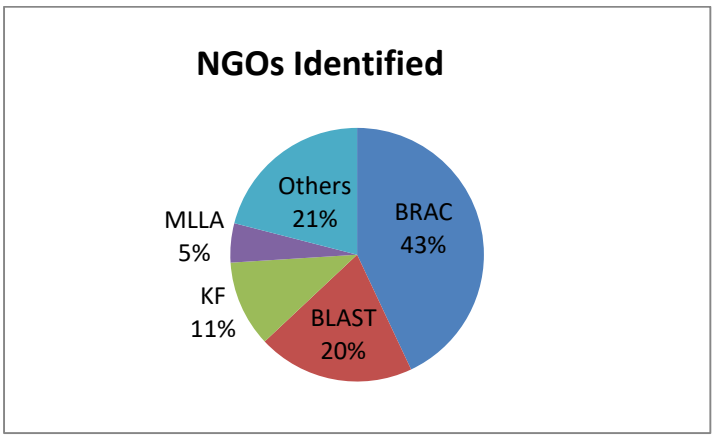
Out of those people (196 persons) who were aware of legal aid service from the activities of non-government organizations, 166 persons were accurately informed and aware of the actual

name of the organizations. The rest did not have proper knowledge of the organizations from which they were actually informed. But after analyzing the data of different programs done by the organizations, it was found that some programs are really effective to inform people about the legal aid programs such as yard-meetings, day observance programs, posters and leaflet allocation, banner, citizen charter, committee formation, human-chain rallies among others. The organizations that made the committee and collected case stories are little known by the people. Analyzing data, it was found that 43% (72 persons) mentioned BRAC, 21% (35 persons) mentioned BLAST, 11% (19 persons) Khan Foundation, 5% (8 persons) Madaripur Legal Aid Association and 4.3% (7 persons) BNWLA as their informing organization, thus making BRAC by far the most popular with the most exposure in these communities.

The detailed list of non-government organizations in order of exposure is presented in the table below.

SL	Name of organizations	Number	Percentage %
01	BRAC	72	43.30
02	BLAST	35	21.00
03	Khan Foundation	19	11.40
04	Madaripur Legal Aid Association (MLAA)	8	5.00
05	BNWLA	7	4.30
06	Democracy Watch	4	2.40
07	Rupanttor	3	1.80
08	OPKA	3	1.80
09	Light House	3	1.80
10	Epsha	2	1.20
11	Comilla Aid	2	1.20
12	Ain O Salish kendro	2	1.20
13	Wave Foundation	2	1.20
14	Prottay	2	1.20
15	Manobadikar Foundation	1	0.60
16	Mukti	1	0.60

This is shown in the pie chart below.



Although NGOs reported to continue legal aid service activities after projects end, during focus group discussions, it was found that, in practice, there is not much sustainability of

legal aid service related project work done in the local areas among NGOs after the project period is over.

5.2.6 Working area for survey of public opinion

For conducting survey programs of public opinion, from 7 divisions 32 districts were selected. But the data of public opinion survey was collected from 30 districts. Full details of survey area are given below.

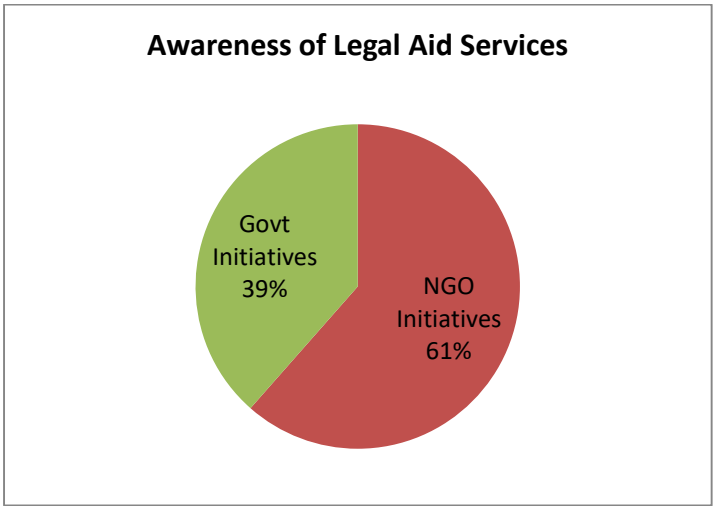
Name of divisions	The number of districts where survey conducted	Name
Dhaka (17 District)	8	1.Narsingdi 2.Manikgonj 3.Munshigonj 4.Gajipur5.Madaripur6.Sharaitpur7.Faridpur 8.Rajbari
Chittagong (11 District)	6	1. Chittagong 2. Cox'sbazer 3.Noakhali 4. Comilla 5.Chandpur 6. Brahmanbaria
Rajshahi (8 District)	4	1.Chapaigonj 2. Natore 3.Sirajgonj 4.Naogaon
Sylhet (4 District)	2	1. Moulovibazer 2. Hobigonj
Rangpur (8 District)	3	1. Rangpur 2. Gaibandha 3.. Lalmonirhat
Barishal (6 District)	3	1. Jhalokati 2. Pirojpur 3.Barguna
Khulna (10 district)	4	1. Satkhira 2. Jessore 3. Kushtia 4. Meherpur

Section -3

Data of Beneficiaries

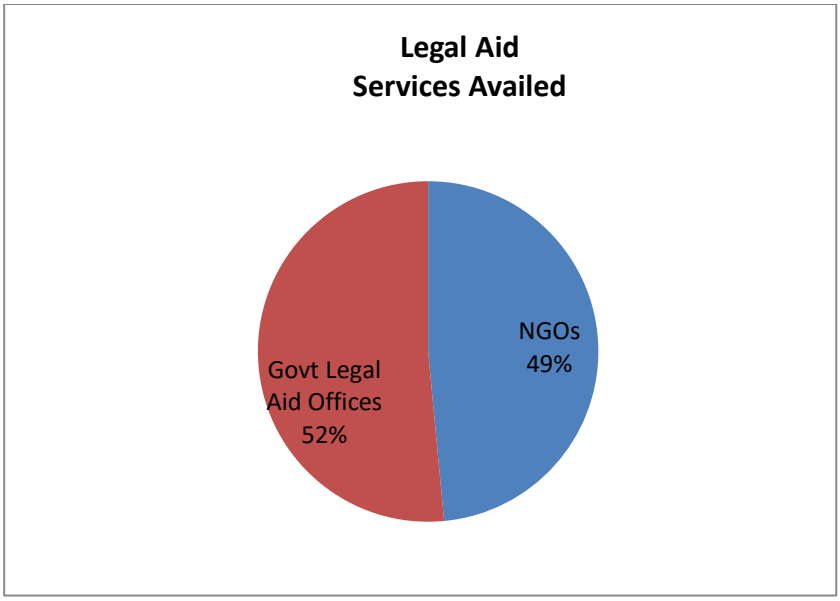
4.3.1 The medium of information about legal aid services received by the beneficiaries

Among 130 beneficiaries, 80 beneficiaries said that respondents were made aware of legal aid services through NGO initiatives such as yard-meetings, day observance programs, poster and leaflet distribution, banner, citizen charter, committee formation, human-chain rallies among others organized by the non-government organizations. The rest were made aware of legal aid services through government initiatives. Through posters, stickers, Union Parishad, local leader, lawyers, relatives and other government activities.



4.3.2 People who received legal aid service from the non - government organizations

Among 130 beneficiaries, 67 respondents received legal aid service without any cooperation of non-government organizations and availed services from the government legal aid office directly. 52 respondents received legal aid service from the district legal aid office with the help of non-government organizations. 11 respondents received the service directly from non-government organization BLAST.



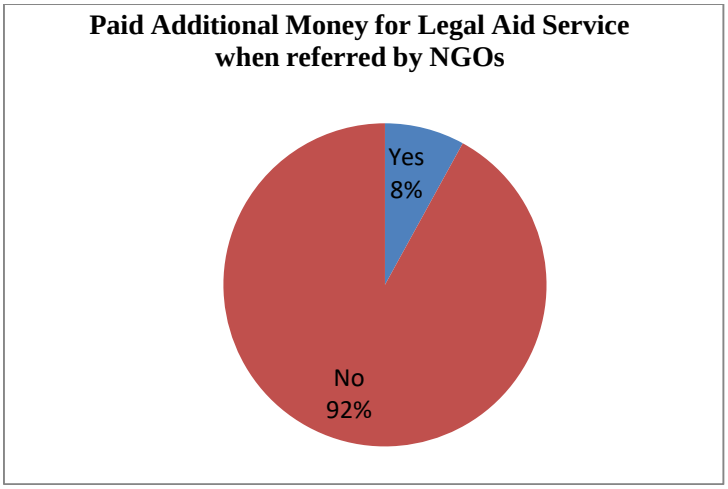
4.3.3 Types of services taken by beneficiaries from the Legal Aid offices

Among the beneficiaries, 130 persons were asked about the types of services that have been taken from legal aid service offices. Regarding this, the maximum part 57% or 74 persons have filed their cases through the district legal aid office for family related issues. The chart is given below:

Types of cases	Average number of case in every district level	Percentage (%)
Civil Case	14	11
Criminal case	42	32
Family Case	74	57

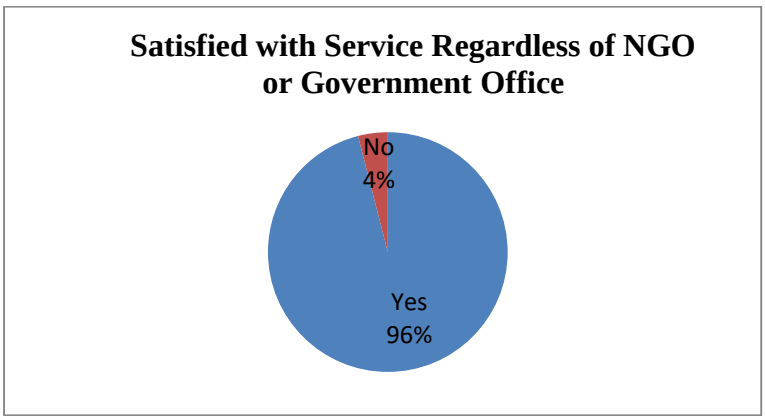
4.3.4 Charge given to non government organization or government appointed lawyers for getting legal aid services

Among the beneficiaries 130 persons were asked to explain about service charge what they paid to the non-government organizations or government appointed lawyers for getting legal aid services. After analyzing the data collected from them, it is found that 120 persons (92%) did not pay anything to the non-government organizations or government appointed Lawyers for getting legal aid services. On the other hand, 10 persons (8%) paid different amounts to the non-government organizations or government appointed Lawyers for getting legal aid services due to court fee, file processing fee, commission of the tout, Lawyers fee etc. For emergency cases the beneficiaries have paid the amount of Tk. 500 to Tk. 2500 respectively.



4.3.5 The quality of legal aid services provided by the District Legal Aid Committee and non-government organizations

Among the beneficiaries 130 respondents,125 persons (96%) indicated they are satisfied with the services when received whether from the government or the NGOs. On the other hand, 5 persons (4%) said that they are not satisfied with the service due to financial charge, harassment of the tout, the behavior of the staffs of the legal aid office among other reasons.



Key Findings

Beneficiaries are using NGO offices and government legal aid offices almost equally even though there is a perception that NGOs are more easily accessible. Among beneficiaries, some had been under tremendous pressure from the accused to withdraw the cases against their perpetrators. This represents a social problem that needs to be addressed that will eventually establish more strength and confidence among plaintiffs. Most NGOs extensively carry out awareness and committee activation programs that are slowly helping with these social limitations that prevent more crimes to be brought to justice through an effective legal aid system.

4.3.6 Overall Findings and Limitations for the provision of Legal Aid Services

Panel Lawyers (Government and Non-government organization) should be cordial and cooperative in handling cases from plaintiffs. A lack of willingness and efficiency was observed among lawyers. In local offices, it was found that there was a lack of sufficient officials for the amount of work to be done. As a result a need to increase manpower in legal

aid offices was identified. Additionally, all the staff members of legal aid offices should be professional and cooperative. A need for care and understanding is needed for the poor and vulnerable that are in need of legal aid services. The government and non-government organizations need to look after the cases of the people who want to get the facility and allowance would be sanctioned for the transportation for the poor people. The activities of the case should follow a specific timeline. Cases should be closed quickly and effectively and judgment provided swiftly and without any political influence. Proper security should be ensured for the witnesses throughout the duration of the case such that plaintiffs do not face or fear retribution for filing of cases.

It was seen that lawyers were not motivated enough to help clients and were gradually become uninterested due to charge free cases. The Plaintiffs themselves also delay in communicating with the lawyers due to the sensitive nature of cases and therefore, forget case dates due to procrastination. Court summons do nor effectively reach the persons summoned due to distance from district areas to remote areas where the crimes usually occur. As a result, there is a lack of production of evidence and witnesses within the given timeframe for each court case. Additionally, untimely lawyer's fees are not paid up on time and though there is the system of advance payment but unwillingness to follow that the lawyers lose their interest for those cases.

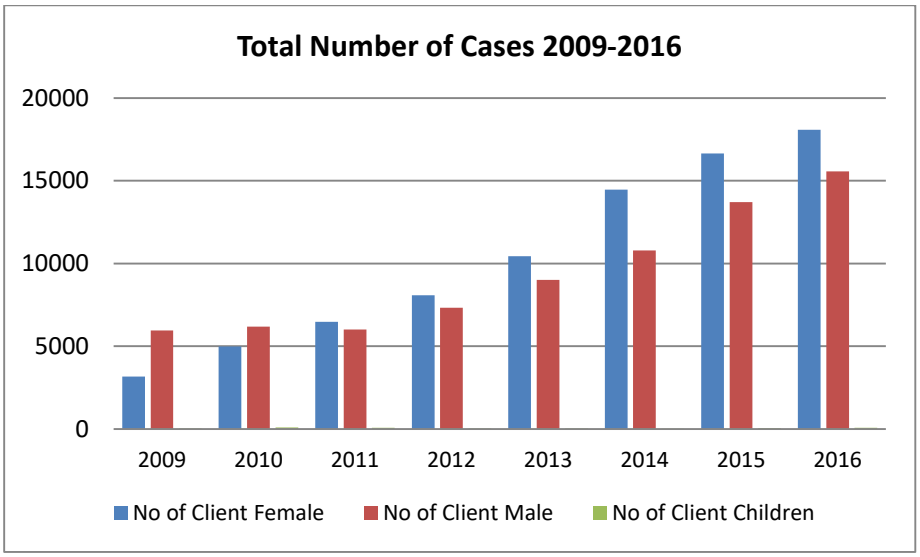
1. Discharged of the Criminals by the influence of political power.
2. Problems created by the peon, bench clerk and GRO.
3. Influence of Touts in the court area.
4. Procrastination in the criminal cases due to absence of witnesses.
5. Lack of awareness of legal aid services among the local community and the people cannot move to one place to another place with food, money and other documents related with the cases.

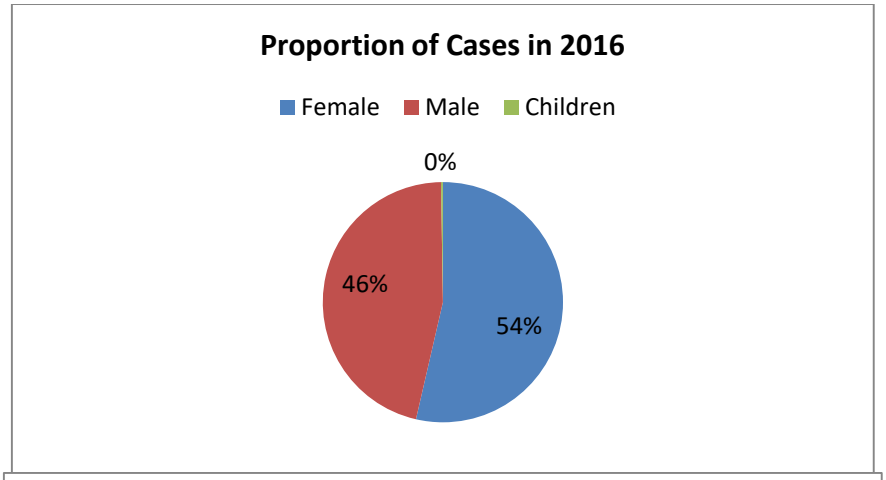
Challenges of Legal Aid Services

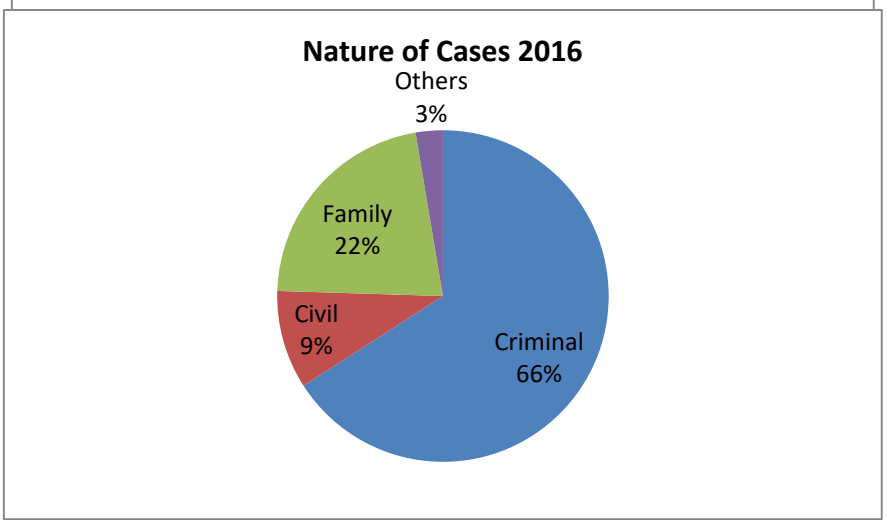
- Lawyers gradually become uninterested due to minimal charge cases or failure to receive fees
- The plaintiff do not communicate with the lawyers and they forget case dates
- Failure to acquire police evidence and witnesses on time to support case
- Court summons do not reach persons involved due to distance from district areas to remote areas
- Criminals discharged without proper trials due to the influence of political power.

6.1 Information and Statistics of Government Legal Aid Service Provision

Secondary information and statistics was collected from the government Bureau of statistics

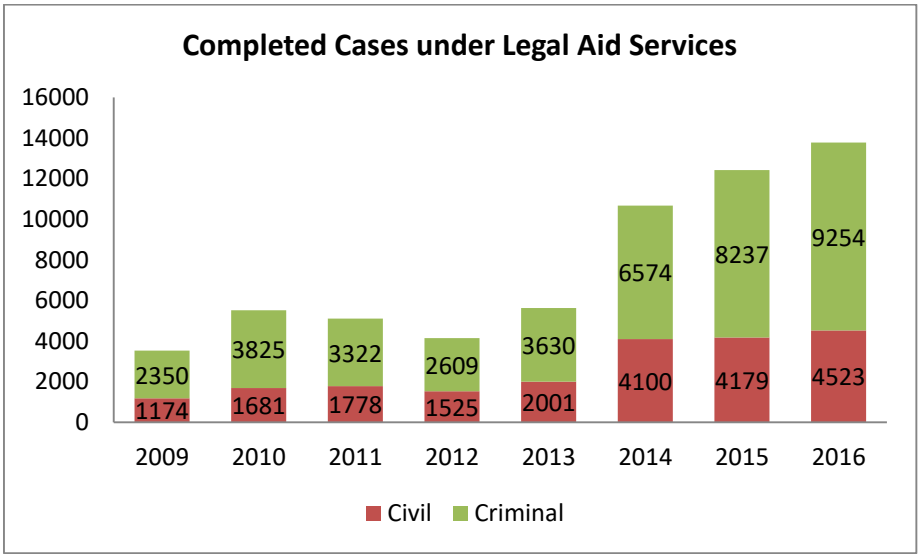


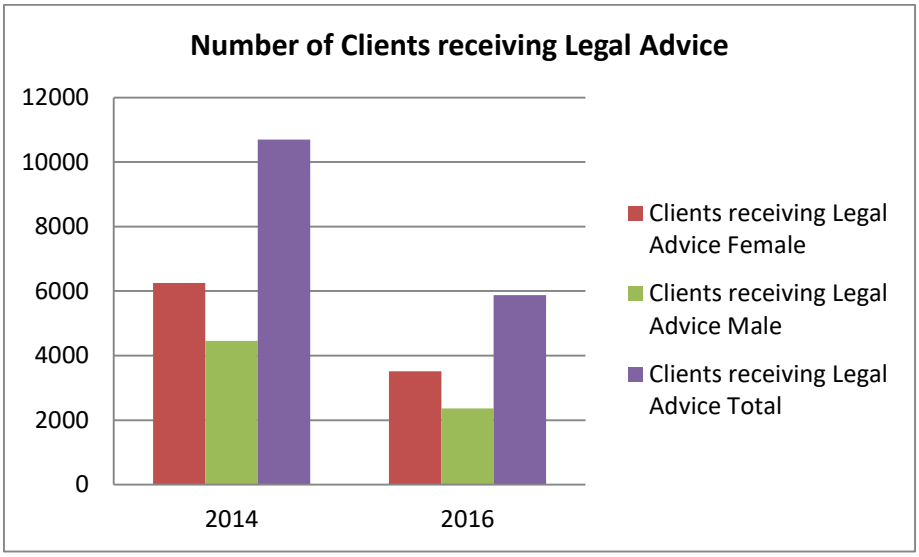




Completed Cases under Legal Aid Services

Year	Civil	Criminal	Total
2009	1174	2350	3524
2010	1681	3825	5506
2011	1778	3322	5100
2012	1525	2609	4134
2013	2001	3630	5631
2014	4100	6574	10674
2015	4179	8237	12416
2016	4523	9254	13777





Chapter 6

6.1 Conclusion

From the above study, it can be seen that under the Legal Aid Services Act 2000, the government has been working to form different committees and provide legal aid services to those who cannot afford. Regardless, given the population of Bangladesh and the statistics above, it is clear that a significant number of people of Bangladesh are still deprived of their constitutional rights to access to justice and fair judicial administration. Much of this is a result of poverty, ignorance, illiteracy, oppression and exploitation. As a result, the government, along with the non-government organizations are working to provide the legal aid services to bridge this gap in access. For the purposes of this research, when data was collected from the field level of 64 districts it was observed that various non- government organizations are playing effective role in many rural and remote areas where most of the people are not familiar with the legal aid services. The following non-government organizations, BRAC, BLAST, Ain O Shalish Kendra, Manusher Jonno Foundation, Khan Foundation, Madaripur Legal Aid Association, Bangladesh National Women Lawyers Association, Democracy Watch, Rupantor, Light House, are playing an effective role to increase awareness among people about access legal aid services by providing free legal advices and providing channels of getting legal support from the Union, Upazila and District Committee.

Legal aid services are provided both in criminal and civil cases. Criminal cases mainly include physical torture, dowry and harassment for dowry, acid throwing, trafficking of women and children, kidnapping, abduction, rape, sexual harassment, arrest and detention by the law enforcing agency. Civil cases mainly include marriage without the consent of the existing wife, dower and maintenance, guardianship and custody of the minor, injunction, cancellation of instrument, partition of property, declaratory suit and suit for contract. Both civil and criminal cases relate to issues of family affairs. During the period of this research 21,175 cases were filed out of which civil cases 2753; criminal cases 7411, family cases, 11, 011 and total number of disposed cases 8890.

At the time of making survey of public opinion 1050 people from different professions were selected and interviewed at the district and Upazila levels. Among them 231 people (22%) answered that they are known to the legal aid services at district and Upazila levels and the rest 819 people (78%) answered that they do not know about legal aid services. In these areas the non-government organizations have introduced different initiatives and programs to make the people aware of the legal aid services and the ways to obtain it.

Legal aid services in the district areas are mainly provided through three steps: District, Upazila and Union Legal Aid Committee. The District Legal Aid Committee consists of twenty-three members among whom the district and sessions judge holds office as the chairman of the committee. At the presence of one third members of the committee the quorum is constituted. The committee conducts plans and projects and performs duties assigned by the National Board of Management, give advice to the petitions sent by the Upazila and Union Committee for implementing the legal aid programs in those areas.

Upazila Legal Aid Committee consists of fifteen members and the Upazila Chairman holds office as the Chairman of the committee and quorum is constituted in the presence of one third of the members. It performs different duties assigned by the board, the organization and district legal aid committee and takes initiatives in raising awareness among the people at the Upazila level.

Union Legal Aid Committee consists of fifteen members and chairman of the Union Parishad holds office as the Chairman of the committee and quorum is constituted in the presence of one third of the members. It performs duties conferred by the Board, Organization, District and Upazila Legal Aid Committee and takes initiatives to raise awareness at the union level through different initiative and programs.

The non-government organizations in Bangladesh have been playing an effective role in creating awareness among the people relating to the legal aid services. The contribution of the non-government organizations namely BRAC, BLAST, Ain O Shalish Kendra, Manusher Jonno Foundation, Khan Foundation, Madaripur Legal Aid Association, Bangladesh National Women Lawyers Association, Democracy Watch, Rupantor, Light House have been improving access to legal aid services for the people. At the local level, many non-government organizations with the contribution of the donor organizations and funding run various projects to provide legal aid services however, after the projects are completed, the organizations cannot continue running, as a result, a sustainability component needs to be factored into future legal aid service projects. While the study clearly demonstrates potential increase in awareness of the vulnerable groups in availing legal aid services under the auspices of government and NGOs, there needs to be further efforts to empower disadvantaged communities to acquire their legal rights for seeking justice through formal courts of law.

6.2 Recommendations

The Government can further improve their role by working with NGOs to provide legal aid services smoothly. The following recommendations are put forth

- Increased funding for court fees and other expenses for the cases of disadvantaged communities
- The staff of the legal aid offices should be more cordial and cooperative with the disadvantaged communities
- Take further initiatives to make the people aware of the legal aid service in the rural areas
- Qualitative and quantitative reports should be prepared and published quarterly at regular meetings of legal aid committees
- Union Information centers should be set up as legal aid information cell in order to extend legal aid services
- Lawyers should voluntarily take initiative to cooperate with the plaintiff for legal aid service
- Provide more shelter homes to provide security to plaintiffs who are under threat from accused
- It appears that while there are legal policies and services in place to provide support, further improvements in the service delivery process can enhance access to legal aid services.
- The donor projects carried out by NGOs need to be better designed such that there is sustainability of the project activities once the project period is over. NGOs need to be motivated to continue independent provision of legal aid services even after project funding has ended.
- Develop local community leaders such as the NAV or the Citizen Watch Groups like Khan Foundation has established to assist them in their local activities that will create more cost efficient and sustainable ways to provide services.
- Additionally, NGOs should optimize donor budgets such that finances are appropriately allocated to all activities, especially legal assistance efficiently.
- Improve networks between NGOs and lawyers to improve time and efficiency with which cases are resolved.
- NGOs and district legal aid offices should incorporate some funding for counseling and follow-up services for plaintiffs under threat from the accused
- The district legal aid committees need to provide more resources to activate the Upazilla and Union level legal aid committees.
- Research can be expanded and updated with more data.

The government along with the non-government organizations are playing effective role to provide the aid services smoothly and in an efficacious manner for the benefit of the poor and helpless people. The following recommendations are as follows:

- The Government should bear court fee along with all the expenses for the cases of poor community.
- The environment of the court must be free from tout and excess fee should not collect from the poor community.

- The staffs of the legal aid offices should be more cordial and cooperative to the Poor community.
- The environment of the court should be gender-friendly.
- The cases relating to legal aid service should be disposed of within very short time.
- The government should take initiatives to make the people aware of the legal aid service in the rural area.
- Qualitative and quantitative report relating to legal aid should be prepared and published quarterly
- Union Information center should be set up as legal aid information cell in order to extend legal aid service.
- The Lawyers should voluntarily take initiative to cooperate the people for legal aid service.
- The persons interested to get legal aid service should be given the scope to choose lawyer from the enlisted panel.
- The District Committee should monitor the legal aid service related activities by the lawyers.
- The Lawyers of the District Legal Aid Committee should be more cordial and cooperative to the poor community for the legal aid services.
- The non-government organizations should co-operate the poor people for obtaining the relevant documents.
- The non-government organizations should organize more awareness programs for smooth functioning of the legal aid programs.
- The related non-government organizations should appoint as monitoring member for inspiring quality assurance of legal aid service.
- The Upazila and Union Legal Aid Committee should arrange meeting regularly and send the report to the chairman.
- The warranted criminal should be arrested and the charge sheet should be sent to the court without an amount of delay.
- In order to help the poor and underprivileged people who come for legal aid service free the non-government organizations by the side of foreign donor in helping the poor community should work by their own initiatives and funding.
- The representatives of the local government should be encouraged to be engaged in legal aid services to resolve disputes.

Above all the learned judges should voluntarily come forward to delivering the legal aid services to the poor, vulnerable and underprivileged community and that would be done under special monitoring policy.

6.3 Limitations of the research

Some limitations to the research are as follows.

- There was difficulty in collecting data from other NGOs for a number of reasons.
- Legal aid offices were unwilling or unavailable to provide more data. Initially some legal aid service providing organizations did not cooperate with sharing proper data. In addition, lack of information and unwillingness to share data were also some limitations. The offices required official Khan Foundation writing material to provide data, which was both time consuming and therefore limited the scope of data collected to due time constraints. There was adequate follow up of the interviewee incase of any gaps in the data. Data received from district legal aid offices was not the latest up to date data. Unwillingness and procrastination of the legal aid officers during sharing data in some districts were seen. The reasons were as follows
  - Many offices required application through Right to Information Act
  - The officers were unwilling to share information except their scheduled responsibilities
  - Time constraint of the officers
  - The officers were on leave during the data collection period

References:

1. Rahaman Khaledur, (June, 2016) *Alternative Dispute Resolution and Legal Aid (Principle and Practice),* **(**Law Palace, First Edition, Dhaka).
2. Das Shyam Sundar, (January 24,2013) *Access to Justice and Legal Aid in Bangladesh ,http://shyamsundardas.blogspot.com*
3. Murad Mohammad Hasan and Hossain Md. Sarowar, (May, 2014) *Legal Aid in Bangladesh: An Overview,* Journal of Educational and Social Research MCSER Publishing, Rome-Italy, ISSN 2239-978X *ISSN 2240-0524 Vol. 4 No.3.*
4. Nekokara Mohammad Ali, *(*December 12th, 2016) *Access to justice and Legal Aid, (*Published in Dawn).
5. Udddin Aftab, (July- Dec, 2014) *Access to Justice and Legal Aid System of Bangladesh Government,* (Law Journal Bangladesh, Published On - July 4, 2014, Vol. 1).
6. The Constitution of the People's Republic of Bangladesh.
7. The Legal Aid Services Act, 2000
8. The National Legal Aid Services Organization (Establishment of Upazilla and Union Committee, Duties and Functions etc) Regulations, 2011
9. The Legal Aid Regulations, 2014
10. http://www.lawjournalbd.com/2014/07/access-to-justice-and-legal-aid-system-of-bangladesh-government/