

Shalish and Role of BRAC federation

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Abstract

The study aims to investigate the relationship between the federation and village *shalish*. Data were collected through qualitative method from federation members and the village heads participated in *shalish*. Members were found successful in playing their role in *shalish*. Inspiration and supports from some heads, spontaneous participation of other members, and the presidents being a member of union parishad contributed to succeed in *shalish*. Meanwhile, members became unsuccessful in *shalish* because of reverence of heads, uninterested male members, impediment of family members, unwillingness of sharing the incident among the members, hush money taken by the heads. Moreover, the informal and peculiar social, economic and political bondage between heads and federation members hampered to get the real justice. Few heads considered the federation as benevolent organization for the poor, as it might bring some societal changes in informal justice system in the village whereas others believed that it could not reach its goal because of the anecdotal values and culture of the villagers. Some members were ambitious about their success while others thought that they were poor, they had to spend most of their time to earn their livelihood, so how they could partake in *shalish*. However, the difficulties faced by the federation would continue yet they would be successful if they had been duly supported by BRAC.

Executive Summary

Shalish or arbitration is an antique institution in rural society. The traditional culture of the village helps keep sustaining this institution. Although the structure of *shalish* changes over time, there are some reasons for existence of this institution till now. The village heads being a salient figure always control the power structure of the village and rule the poor as they are economically solvent and linked with political party. The poor villagers depend on *shalish* as they have no ability to go to court for justice in one hand and on the other hand rich people in the village have the power to disobey the *shalish* and can go to the court. The villagers do not have courage to protest the unjust verdict of the heads. Nevertheless, they had to obey the heads, as there is no alternative affordable and effective institution serving the poor. So the *shalish* continues to survive in the rural areas. Realizing this BRAC intends to make *shalish* benefiting the poor. Thus, BRAC is producing a device through which the villagers might play a role in *shalish*. BRAC formed federation of its village organization help its members to participate in village *shalish* to ensure justice particularly to females within the village. Whether these federations of BRAC are contributing in *shalish* for the poor villagers was the main purpose of undertaking the study. *Shalish* referred to mediation is a traditional justice system or non-state justice system found in the rural areas by which resolves conflict between individuals, family, lineage, neighbor about land or other things, unlawful activities, ill-feelings, non-cooperation, etc.

BRAC has federated the Village Organizations into *Polly Shamaj*. Federation is an apex body of poor that are organized and supported by BRAC.

The study was conducted on federations formed in 1998. Data were derived from eight focus group discussions held with the committee members of the federations and 35 heads and village associates with *shalish*. Besides, a *shalish* was observed to have first hand knowledge on its proceedings.

As an institution there were some specific characteristics of *shalish* e.g., authority, loss of authority, approaching heads for *shalish*, process maintained in the *shalish*, hush money, verdict, and dispute among the heads were come up. For authority the head had the economic power, large number of family members, connections with the influential persons within and around the village, the successful implementation of power as well. As because of growing awareness, employment and some other factors were causing to develop young head replacing the old leaders of the village. Heads of the village usually executed *shalish* themselves without informing other heads in the village when any incident occurred within the lineage. In *shalish* some informal rules were maintained. Senior head always disclosed the judgement of *shalish* and junior did not contradict with this. Hush money was an important factor that affected the verdict and at times a predetermined result of *shalish* came out when a head received hush money. Heads always tried to save his 'parallel friends'. Rich friend of a head escaped from any kind of punishment. Villagers, therefore, observed a double standard relating to verdict. In the case of dispute among the heads they tried to resolve themselves. Sometimes because of bad relation among them it got involved beyond the neighboring villages.

The strong relationship found between federation members and village heads. These relationships were social, economic, and political. Heads played an important role in the matrimony in the member's family such as talking to the groom's relatives in the case of deciding the amount of dowry paid by the daughter's father and other things

settled. On the other hand members helped the heads in their son/daughter's marriage and other households activities. Regarding the economic relationship members worked in the heads' farmland as wage laborer, lease hold and sharecropper. In turn, they borrowed money from the heads during crisis period with high interest. Like economic relationship members had to pursue in settling their dispute within and outside their families as well. In exchange of this the heads also expected the support of the members to increase their muscle power. Under these kind of relationship the members of the federation encountered the virtual problem to oppose the unlawful verdict given by the heads in *shalish*.

Although the nature of participation in *shalish* by the Federation were not so good, but they had tried their best concerning this. They had the success event in five *shalish* while four were failure cases in the study. There were some reasons behind the success and the failure cases. In the success cases, the president of the federation executed the paramount role in the *shalish* and the other members carried out her order spontaneously. Moreover, the collective power of the federation member, cooperation of both heads and members, fruitful participation of male members, becoming member of jury board, and being the member of union parishad got the federations succeeded. Sometimes they were successful in *shalish* as their roles did not go against the interest of the heads. On the other hand, the sort of informal dependent relationship of members be it economic, social and political with heads, existing traditional values in the society, uninterested attitude of male members to attend *shalish*, panic of harm, reluctant to share incident among the members, and shyness in talking before heads made the federation unsuccessful.

The village heads endorsed the federation as an organization positively as well as negatively. Some head considered the federation that members could do nothing ever since as the traditional culture and values prohibited in doing so. The other heads lauded its pro-poor activities. They believed that members could be successful with the help of the heads. Few heads pondered the federation as better organization and would be philanthropic for the poor. The reason behind this is that the poor could have participated in giving their opinion or protest against the illegal verdict of heads in *shalish*. Previously women could do nothing except household work. But now the situation has been changed. They thought that women could solve women-related problems easily. Moreover, women could partake in *shalish* after getting wisdom and experience. On the contrary, most of the heads elucidated that this organization could do nothing for the poor. The heads' belief in traditional values opposed the members to attend *shalish*. Alike heads most of the members appraised the prospect of federation well while some did not agree with this.

The village *shalish* should ever been existed rather than washed away. The elite in the society had gone to court rather than *shalish* but the poor always preferred *shalish* because of their poor economic condition. But the reality was that both rich and poor had to have in *shalish* anyway. So the universality of *shalish* was prevailed forever.

However, the participation of federation in *shalish* would be successful if it is devised some concrete approach to take up economic enterprises independent of the heads and make them economically self-dependent. The VOs and the federations should be intensified so that the members might receive social supports from these

organizations. These could be acquired by mobilizing social capital. In spite of the hindrances federation will do better in future.

Shalish and Role of BRAC Federation

Introduction

Traditionally the rural households in Bangladesh are loosely grouped into neighborhood, i.e. *shamaj*. It is an informal governing process; regulating the action and behavior of the villagers. More precisely *shamaj* is a corporate social organization performing religious, ritual, ceremonial, economic, and adjudicative functions within the village, thus acting as the protector of norms and values within it (Karim 1991).

One of the important functions of *shamaj* is to arbitrate, i.e. conducting *bichar shaba* or *shalsih*. *Shalish* has also been referred to as Alternative Dispute Resolution in many instances (Mamoon 2000).

Shalish a Persian word means mediation. It is a traditional justice system, i.e. non-state justice system, generally found in the rural areas (Accessible Justice Bulletin 1999). It is a means of resolving conflict between individuals, family, lineage, neighbor about land or other things, unlawful activities, ill-feelings, non-cooperation, etc., that take place in the rural society (Mohiuddin 1999).

The *shalish* as an institution is rooted in the history since time immemorial and is still in vogue. India has had long history of *shalish* dating back to several centuries before Christ. *Shalish* used to exercise judicial and administrative functions in the rural areas of Sri Lanka since 500 BC. Similarly *shalish* is also an age-old practice in Bangladesh.

According to Karim (1981), conflict in the village are resolved at three levels: *bichar* conducted by the informal village leaders of the respective *shamaj*; the *shalish adalat* is a judgement bench of the Union Parishad; the *dighor shalish* resolves conflicts among the villagers. In its simpler form *shalish* can be grouped into two - formal and informal. Some judicial functions have been vested to the union *parishads*. Chairmen of the union *parishads* act as the Chairmen of Arbitration Councils, which regulate procedures relating to marriage, divorce and maintenance of separated wives. The chairman with the stamp of official recognition or legality conducts *shalish* within his/her jurisdiction formally. On the other hand, the informal *shalish* is based on convention, customs, and cultural nuances of the local people. Informal *shalish* prevails because of the peculiar nature of the rural society, clout, expertise of the influential groups and the subservience of the rural poor, religious beliefs and superstition, illiteracy of the vast majority of people and limitations of the state apparatus making proper legal measures and procedures inaccessible to poorer and disadvantaged section, particularly the women (Jahangir 1982). Senior members of the leading lineage within the village head the *shamaj* as well as act as the court of first resort in resolving conflicts through *bichar* among the members of the village.

Shalish and BRAC's Village Federation

Even the superficial observation of the village unfailingly reveals that against the numerically small elite class position at the top of power structure there exists vast majority of agriculture labour, sharecropper, and small farmers deprived of any power in the village. Mohiuddin (1999) indicates that the power structure in the village mainly during 1940-1980, revolved around this elite group who were less educated, traditional in character, and worked for the benefit of the village. Unlike their predecessor the present elite are more serious in consolidating power in their

rather than the development of the village. Consequently the poor are neglected and are deprived of their services. The elite monopolized power by controlling all types existing in rural politics and the components of rural politics¹. The elite exercise power mostly through *shalish*. They are not only treated as 'father and mother' but also looked upon for the justice in the village (Mohiuddin1999).

A village is represented by village head (i.e. *matabbor/sarder/darbari/shalishdar*). Several roles of head according to Karim (1991) are: (1) religious and ritual activities, (2) politico-jural functions, and (3) economic and subsistence activities in the society. He further breaks down the activities of heads. These are: (1) mediating conflicts among *shamaj*, (2) advising and negotiating marriages, (3) counseling litigants and often pleading cases in formal village court, (4) advising villagers on candidature for local councils and national political forums, (5) advising on religious and ritual affairs, (6) helping villagers obtain the financial means to pay for the funerals, and (7) offering sharecrops tenancies, lending grain, and accepting land mortgages.

Starting from early 1980s NGOs intervened in the villages with their development effort. BRAC being one of these NGOs has been working for poverty alleviation and empowerment of the poor. The achievements of these objectives are pursued through its vital organ – the Village Organization (VO). A VO operates through three committees, viz., (1) management committee that includes a president, a secretary, a cashier who facilitate social and economic empowerment of the members, (2) social action committee consisting of five members who discuss the social affairs and take the decisions for implementation in the monthly meeting, and (3) law implementation committee (RDP Manual 1995).

Individually the VOs often fail in achieving its objectives, as their size is not large enough to oppose the forces, e.g., the elite that control socioeconomic situation in the society. To overcome problems, BRAC has since 1998 federated the VOs into *Polly Shamaj*² (i.e. Village Federation). The Federation is an apex body of groups of the poor that are organized and supported by BRAC.

The Federation is a group of VOs through which members aims to achieve high awareness

¹ According to Jahangir (1986), types of power functioning in the rural politics are: (1) *Somajee* i.e. the authority of whole *somaj* distributes all rights, demands and responsibilities of individuals or lineage; (2) *Murubiana*, i.e., the patron-client relationship between elite and poor villagers; (3) Ownership of property and (4) symbolic power, i.e., evolves from *Somajee*, *Murubiana* and ownership of land. The components of rural politics are: (1) Property, (2) Number of population (including kin group, lineage, friendship), (3) Earning or making property, (4) Involvement (marital, political, administrative, business related, regional), (5) Eloquence or orator and (6) women (beautiful, widow, orphan, polygamy), Jahangir (1986).

² In context it must be mentioned that BRAC already have some experience in working with Federations as in 1970s and early 1980s. With an objective to build people's organizations BRAC set up Federation in Sulla, Manikganj and Mirzapur. But in later part of 1980s BRAC from forming Federation shifted its focus in meeting other needs of its members. From its early experience, it was clear that: (1) BRAC would have to be quite intensively involved in assisting Federations to begin with, and that a sudden exit strategy of BRAC might lead to the collapse of the institutions; (2) ensuring democratic practices and a regular change of leadership in Federations was very difficult; (3) ensuring that ordinary VO members keep abreast of Federation activities and maintain a sense of ownership and involvement in its activities would be a real challenge for BRAC; and (4) Federation's accounts would have to be strictly maintained and supervised to prevent mismanagement and misappropriation (BRAC 2001).

of their social and political conditions, increase their ability to undertake and manage social and economic action and the ability to control over their own destiny (Chen 1986). The objectives of the Federations are to: (1) institutionalize VOs; (2) establish social justice; (3) participate in power structure through the leadership of target group (those who have less than half-an-acre of land and at least one member of the family selling manual labor of at least 100 days in a year; (4) advocate upholding the interest of the group; (5) ensuring proper use of local resources, and preventing the violation of human right.

Structure of the Federation

With an intention to federate the VO member, starting since 1998 BRAC has set up 11,219 *Polly Shomaj* (BRAC 1998). A Federation may have three to five VOs with five members from each. Thus, a Federation consists of 15 to 25 members. The president and secretary and cashier of the VO management committee, *HRLS* or Health *shebika*³ and male member, husband or close relative of VO member of social action committee represent a VO to the Federation. The Federation has a management committee comprising of a president, a secretary, a cashier, and two executive members. They are elected directly by the votes of the members of the federated VOs concerned. As a policy president, secretary and cashier of the committee must not all be elected from the same VO. The members of the committee are elected for a three-year period.

The Federation members meet bi-monthly and the meeting is facilitated by the Program Organizer, Social Development Program. The meeting venue is decided by the committee. It may have a fund created through the subscription given by all number of the federated VOs. The amount is decided by the members as to how much they contribute to the fund. The amount thus collected is deposited in the current account of an area office (BRAC 1998).

Function of the Federation

The functions of the Federation includes:

1. developing political consciousness among the members so that they may participate in the local elections and vote for the fittest candidate;
2. joining local committees formed within the ward;
3. maintaining liaison with and availing necessary health related government services;
4. leasing local resources such as unused land, ponds, etc. in the area and converting these to productive resources, e.g., farm lease;
5. managing available opportunities within the ward for the advancement of VO members;
6. raising a fund to cope with emergencies or undertaking economic projects;
7. preserving important documents on land and legal aid are seeds and saplings for lending or selling to the villagers;
8. identifying conflicts between VOs, analyzing the reasons for the conflicts, and taking necessary steps to resolve of the problem;
9. taking necessary measures to prevent all kinds of social problems (injustice, corruption, multiple marriage, acid throwing, rape, *fatwabazi*⁴, and antisocial activities) within the ward; and

³ *HRLS Shebika* provides Human Rights and Legal training to VO member and legal service to the villagers.

⁴ giving the verdict of a *shalish* based on misinterpretation of religion.

10. participating in the *shalish* to ensure justice particularly to females within the ward.

Objective

Shalish is an age-old institution serving the needs of the village. On the other hand Village Federation is an organization/institution deliberately formal to complement the functioning of *shalish* so that it may become more effective in attaining the objective. In context to the relationship between *shalish* and Federation the broad objective of this study is to investigate the pattern of relationship that really exists between these two institutions. The specific objectives are to look into:

1. the nature of *shalish*;
2. the nature of functional relationship between Federation and the heads in the village;
3. the nature of participation of Federation to *shalish*;
4. the factor relating to Federation's participation that contributes to success or failure of *shalish*; and
5. find out the views of heads about the participation of Federation members in *shalish*.

Methodology

As a first step in data collection Area Offices namely Chandina and Debiddar under Comilla region and Faridpur Sadar and Modhukhali under Faridpur regional office were purposively selected. Next, four Federations ranking 'A'⁵ and the four ranking 'C' formed in 1998 under these area office and formed in 1998 were selected for observation in this study. The selection of Federation in terms of ranks gave an opportunity to compare good performing Federation with the bad one. *Shalish* in eight villages were studied as cases. One *shalish* was held at the time when data collection was in progress thus observed personally. The case study included incidences where federation member successfully helped in establishing the justice by participating in the *shalish* and incidences where federation member failed to do the same even though they participated in the *shalish*. Data were collected through eight focus group discussions with the management committees and general members of the Federation in October 2001. In addition, data were also collected through 35 in-depth interviews with the heads, and with those participated in *shalish* included for case study. Data were collected based on a preplanned checklist reflecting the objective of the study. Besides, data from secondary sources were also used in the study.

Based on nature of member's participation in *shalish* it was categorized to successful and unsuccessful participation. In successful participation the members involved themselves in the proceedings of *shalish* and influenced its verdict with their knowledge and wisdom. In the unsuccessful participation the member even if participated in the *shalish* did not participated in the proceeding or if they have participated failed to influence the verdict of *shalish* correctly with their knowledge and wisdom.

⁵ In 2000 the Social Development Program of BRAC evaluated the performance of Federations based on 12 criteria. Federation received 80 points out of 100 was ranked A, those received 60 or more was ranked B and those received less than 60% was ranked C.

Findings

Selected characteristics of *shalish* as an institution

The institution of *shalish* had number of characteristics present either in all or most of the villages observed. Some of the characteristics are age old whereas others have recent developments in the process of development.

Composition of heads in a village

The traditional headship was divided into two types – seniorheadman or seniorhead (*baromatabbor*) and juniorheadman or juniorhead (*chotomatabbor*) (Appendix 1). Juniorheads usually conduct *shalish* for their own *para*, whereas seniorheads did the same on disputes involving more than one *para* or *shamaj* on serious issues. When junior-head fails to resolve a dispute within a *para* seniorhead took up the case through *shalish* held again. On an average the study villages had three seniorheads; similarly the villages had three *paras* each represented by three juniorheads (Appendix 1). Beside traditional heads there were others who exert influence often directly or indirectly in the *shalish*. This group mainly included locally elected public leaders, like chairman of the *union council parishad* not necessarily from the same village and commissioner of the municipality from neighboring towns. *Shamaj* consisting of overwhelming number of Hindu members was always represented by Hindu head. The *shamaj* (society) represented the whole *para* (many segments of the society) in all cases.

Authority of heads in conducting *shalish*

The heads derived authority to conduct *shalish* from number of sources complementary to each other in many cases.

1. By following tradition the headship was in many cases inherited. These heads were accepted for the job as because of the fact that their forefathers earned good reputation by conducting *shalish* effectively. The villagers believe that the children of capable *shalishdar* would also be equally competent in conducting *shalish*. Such an assumption was the basis of the authority of these heads.
2. Some heads particularly the senior-heads owned large amount of land and have been holding that for quite some time. In many instances they also had business in local towns. As a result heads were much richer than rest of the villagers. They had a better life style and were in a position to exert influence on others in the village because of economic power, e.g., hire villagers to work in their land and business. The economic power of these villagers earned them the credibility to become heads.
3. Numeric support was also a source of authority for the heads. Some heads had several spouses and had a family much larger than rest in the village. Their families along with kits who stood united behind these heads also earned them a great power in the village. The villagers were aware of such power of these heads and did not dare to defy or contradict them.
4. Wining local election also earned authority to the elected to conduct *shalish*. The local representatives of the ruling political party also had an influence on the *shalish*. The affiliation to a political party particularly to one in power and wining in election earned credibility of the

villager to conduct *shalish*. The heads representing political party in power were approached more for *shalish* than those not in power (Box 1).

5. Physical proximity was also a source of authority. The heads had more authority on the disputing parties living closer to their house than those living far away. According to custom the villagers approached the heads living nearest to resolve their problems.

More than one factor determining authority was present in a head in most cases. The economic power along with large number of relatives supporting them, family connection with influential persons within and around the village, along with demonstration of successful implementation of power on the villagers placed some of the heads in a unique position. Common villagers were afraid

of contradicting and defying them. The common villagers would invite them to conduct a *shalish* not because they believed that justice would be done on them but because they were not in a position to bypass the institution and take help of others in resolving the problem. Bypassing would mean insult to the heads involved with the institution or there was no other affordable mechanism available to them that could redress their problem.

Box 1

Prior to parliamentary election held in 2001 pro Awami League leaders in Ethbarpur used to conduct most of the *shalish* in the village. Besides these leaders, the plaintiffs also approach Jahangir, the Commissioner of Municipality also belonging to same party, for *shalish*. After Bangladesh Nationalist Party (BNP) won the majority in last election and was in power most plaintiffs from the village were approaching Khorshed, an ex-upazila chairman and a BNP cadre to conduct *shalish* for them.

Loss of authority of traditional heads

At present the heads are not ultimate authority in the villages. Lewis (1958) indicated that because of education, outside employment, connections and influence with outsiders, young leaders were increasingly replacing traditional leaders who in most cases were predecessors. Similarly heads and Federation members under observation also noted that the increase in the education rate, the creation of employment opportunity in various sectors, NGO interventions, Government program, influence of national politics in rural politics, developed a village leadership unknown before undermining traditional heads.

Approaching heads for *shalish*

Taking help of *shalish* to resolve dispute or problem was usually a last resort to the villagers in many cases. Particularly if it is a dispute among the members within a lineage and disclosing the dispute would bring bad name to the family/lineage. For example, when a housewife cut her finger as a protest against her husband's extramarital affair with a woman in Brammonkanda the case was handled by the leaders from within the lineage. The heads were also of the opinion that disputes of similar kind should be resolved within the family/lineage. Such incidences were placed in *shalish* only when the leader of the lineage failed to resolve the dispute or the dispute involved more than one lineage.

Heads did not call *shalish* by themselves. They attend *shalish* only when they were requested to do so and preside a *shalish*. The plaintiff would first approach the head representing his/her *shamaj* for a *shalish*. Such a head might decide to conduct *shalish* by himself. Against this

trend the head might ask litigant to request other heads to participate in *shalish* or do the same of his own. Other heads were usually called when the problem was considered serious or their presence would increase the chance of successful implementation of verdict given in the *shalish*. As mentioned before the heads affiliated with the party in power working for it in some cases were approached more to conduct *shalish* than those not in power. In case of the presence of factions among the heads one always tried to include the members of their following in the *shalish*. In extreme cases, where bad feelings existed among the heads the participation of a head in a *shalish* would determine who else would participate in it. Seniorheads attended *shalish* only when junior-heads were present, similarly elected leaders would attend a *shalish* where seniorheads were present and on a problem considered being quite serious.

Process

Certain decorum was always maintained in *shalish* indicating the presence of the hierarchy of heads. When seniorhead was present the *shalish* was always presided and verdict was always pronounced by him. Junior head did not contradict the verdict given by the senior head.

The heads cooperate with each other in facilitating *shalish*. Particularly when verdict was already decided before *shalish* and where hush money was received from one of the litigants. Selected villagers were invited to attend these *shalishes* so that they might support the arguments and verdict given by the heads received hush money (Box 2).

Box 2

Whenever disputing villagers approached Monser a seniorhead and Mohammad Sardar a juniorhead from village Gongabordi they often advised them to take help of the court to settle their disputes. As the villagers were not familiar and capable of running case at the court of their own these heads used to help the villagers in doing that against a charge. After some time the disputing parties finding that running case in the court was expensive invariably wanted to withdraw the case from the court. At this stage these heads would settle the disputes in *shalish* held at the village.

Hush money

Receiving hush money was a recent trend and was widely practiced by the heads. The heads were not interested in holding *shalish* when litigants were poor, as they were not capable of entertaining the heads with hush money. The villagers were of an opinion that the verdict of a *shalish* could easily be manipulated by offering simple refreshments like tea and cigarettes to the heads. Money was received before and during *shalish* (if *shalish* had several sessions) to pronounce verdict in favor of a litigant. Money was shared by all the heads or part of it conducting *shalish*. Again in some instances money was demanded by the influential head in *shalish* to handle certain consequence of the dispute like bribe police to avoid arrest or run a case in the court (Box 3).

Box 3

A *shalish* was arranged by the heads of Fatewahabad when Berek's son Rafiq raped Halim's daughter Zarina from the same village. *Shalish* decided that Berek should pay Tk.40,000 to girl's mother as a penalty for his son's misdeed. When Berek delayed in paying the money mother filed a general diary in local thana. At this stage chairman of the union parishad took charge of the case and started taking money from Berek on the pretext that the police had to be bribed to save Rafiq from arrest. Altogether Berek had to give Tk.70000 to the chairman for his son's misdeed. Of this amount Tk.40000 was given to girl's mother but the Chairman and police divided rest of the money among them.

Verdict

Villagers observed a double standard on verdict given in a *shalish* and way it was implemented. In the case of *shalish* involving rich and poor litigants the heads always tried to save the prestige of the rich considering them as their 'parallel friend' by becoming lenient towards the rich. The rich friends of heads always escape from any kind of punishment although accused of wrongdoing (Mohammad 1987). On the other hand the punishment for poor when found guilty was always severe and the judgement was executed without failure (Box 4).

Shalish was also influenced by the political ideologies of the heads. The punishment was likely to be harsher if political affiliations of head and accused were different component to that if it was similar. As a result political affiliation denied justice to some in the

shalish. Verdict influenced by political affiliation was considered to be a recent trend as reported became more prominent after the last election.

Box 4

Bodu was a rich man from Jaganathdi. His son Razzaque was in love with Siraj's daughter, a commoner from the same village. Gradually the relationship became physical, as a result Siraj's daughter became pregnant. As the incidence became known to all Siraj proposed Bodu that their children should get married. Instead, Bodu proposed that he would pay compensation to Siraj for the misdeed of his son. The counter proposition was not up to the likings of Siraj, so he requested the heads to arrange a *shalish*. Among other, the *shalish* was attended by all heads of the village and chairman of the union parishad. But Bodu, for being a rich person, did not care to attend the *shalish*. The *shalish* had hot debate and was adjourned without a verdict. After a year of the incidence Bodu's son went abroad without being punished for his misdeed. In contrast the girl faced all kind of humiliation in the village. After some years she went to Dhaka to work in a garment factory.

A *shalish* was called when two students stole an electric fan from Charbakar madrassa. The head in the *shalish* decided that plaintiffs should pay a fine of Tk.20,000 or get their hair shaved off, go around the village wearing garland made of shoes and tell everybody that they stole the fan. The parents of the students for being unable to pay the fine opted for the second option. The punishment was promptly executed without failure.

Dispute among heads

In the case of disputes among the heads, the dispute was settled by them-selves out of *shalish* in most cases.

In some villages heads were not in harmony with each other and that was prevailing among themselves for sometime. The bad relation among the heads ever surpassed

Box 5

Khaleq, with extended network of relatives and connections, was the seniorhead in Brahmonkandi. Fazhu Kazi who had good relation with local thana officials was his close relative. Khaleq's son-in-law Bashar a member of local union parishad was also an influential in the village. The influence of Khaleq was further enhanced in the village as he donated land for the construction of a mosque and in many occasions helped the poor in the village. In spite of these benevolence some villagers believed that Khaleq helped the poor in the village for self-interest.

To curtail Khaleq's monopoly in conducting *shalish* and influenced in it some of the juniorheads of the village - Sattar Boyati, Razzak, Akter Mondol and others - formed a 'shanti committee' to conduct all *shalish* in the village. Understanding that the act would curtail the influence of Khaleq, Jafar Mia the most influential heads of neighboring Digholia and with a rivalry with Khaleq, supported the initiative forming the committee. At this point, Khaleq remarked Jafar was an autocrat.

the boundary of a village and involve those from neighboring villages, as observed in the case of heads in Brahmonkanda and Digholia villages which in many ways were functionally interrelated

(Box 5). Some of rivalries by heads started from an effort to monopolizing power and extend influence on others in the village. At present the rivalry in number of villages started from supporting of different political party and in the process of working for the parties in the village by the heads.

Relationship between heads and federation members

In most cases there was an intimate functional relationship between the federation members and the heads. The relationship as observed could be divided into three broad categories – social, economic, and political. The direction of arrow in Figure 1 shows the dependencies of the parties in getting their needs fulfilled through the relationship.

Social relationship

Heads had an important role to play in the matrimony held at the member's family. Members after deciding with whom they would arrange marriage their children often took approval/opinion of the heads on the decision. In occasions heads also proposes whom in the village the members would select to be married to their children. The propositions were hardly ignored. The heads also played an important role in the bargain on the amount to be paid as

Box 6

Monowara, a Federation member from Samoshpur did not invite a head in her son's circumcision ceremony. Consequently not a single member from any of the heads have along with their relatives and close neighbors, totaling around 50-60 households, did not attend the ceremony. The discontent from such a big number of households on adverse effect on the socioeconomic standing of the invitee in the village.

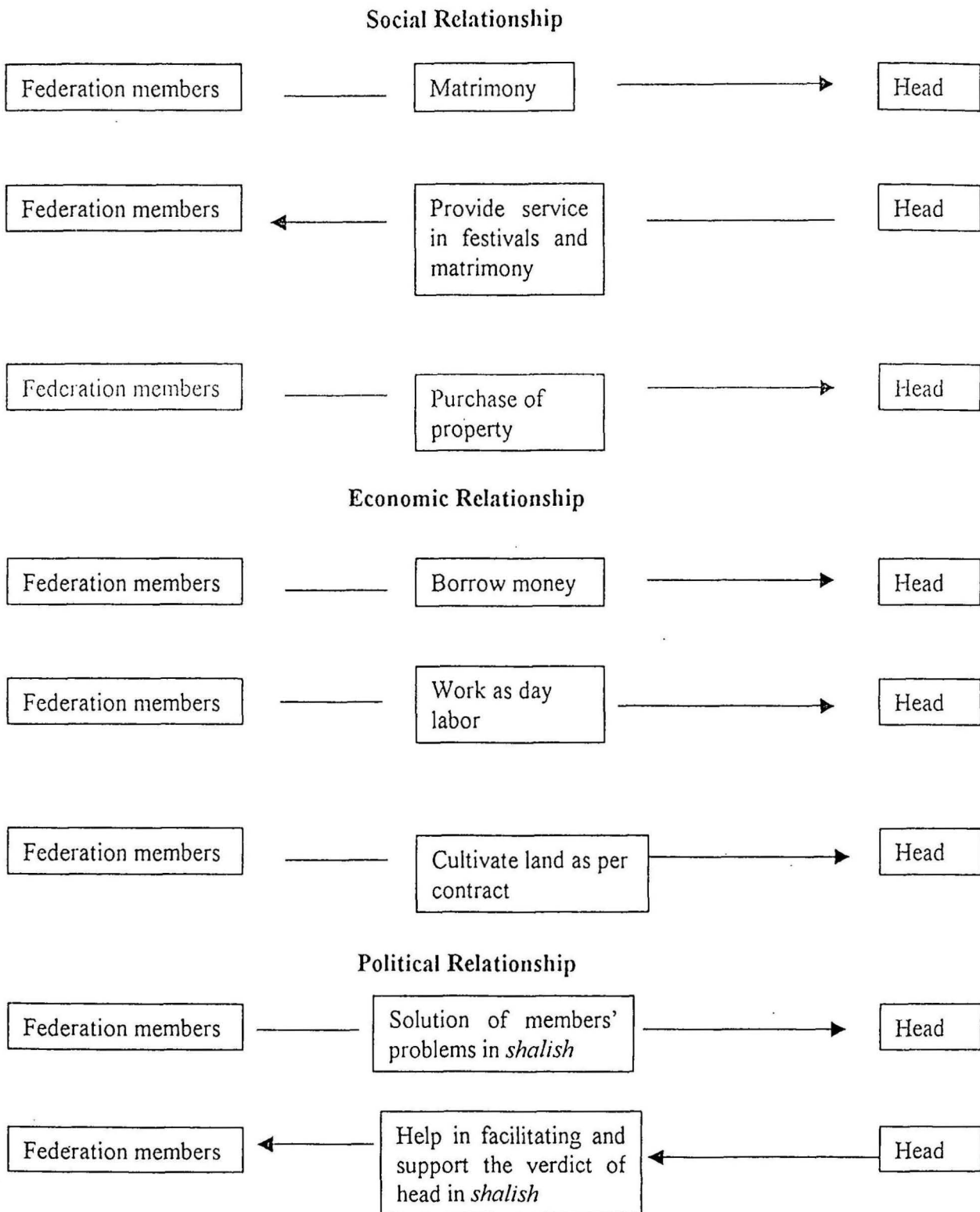
dowry, number of guest should be invited, gifts should be made, etc in the marriage. The heads also had important roles to play in the marriage ceremony – registering the marriage, ensuring that the marriage was conducted smoothly as desired. Heads were taken as guardian in the marriage as because it was believed that their close involvement in marriage would make conducting marriage easier and in the case of any problem related to marriage the members would get help from the heads in resolving the same. Heads were also invited in other family occasions, e.g., circumcisions, where they also had an important position and role to play.

Failing to invite heads in these important family occasions would result in the non-cooperation of the heads along with their followers when members would need their help (Box 6).

The federation members often took the advice of heads in important purchases, like a piece of land, for two important reasons. Firstly, they did not want get deceived in the process of buying land or get into any dispute with others after the purchase. As the heads were usually well informed about all lands within the village their advice or involvement in the purchase was considered to be an insurance against probable problem that might emerge from the purchase. Secondly, heads' consent was taken as the purchase might affect the interest of heads in some way. Purchasing a land affecting the interest of the heads was likely to make them unhappy. The members wanted to avoid such a development from buying a land.

A federation member was often asked by heads to help them in arranging marriage ceremonies and in other occasions where large number of guests was invited. Help in these cases usually included grinding spices, cooking food, bringing water, entertaining guests, washing dishes, and cleaning house after guests have left the house.

Figure 1 (Direction of arrow indicating the dependency in the relationship)



Economic Relationship

Heads were rich, for having large farmland and for being involved with other income generating activities like hatchery. The federation members seasonally worked in the farmland of these heads during sowing of seeds and harvesting and on other income generating activities of heads on a regular basis. In number of instances heads had leased out their agricultural lands to members. Whatever was the mode of economic relationship – employment or contract – the upper hand in dictating the terms of contracts always lied with the heads. This was so as because there were large number of landless besides member in the village with whom head could have easily established similar economic agreement.

Time to time the members were in need of large amount of cash to meet certain pressing needs. On the other hand there were a good number of head with money-lending business. Finding no other sources the members in need were forced to borrow money from these heads. These heads not only charge a high rate of interest but also used force to realize money lent to the members (Box 7).

Box 7

Hazrath Ali, brother of a Federation member from Gongabordi borrowed Tk. 4,000 from Zia, son of a head Manser at a very high rate of interest. Hazrath Ali failed to return the money on time. Zia demanded Tk. 30,000 from Hazrath Ali but he refused to pay it. Zia tied Hazrath Ali with a tree and slashed him with a whip. Finally Hazrath Ali was forced to sell a piece of fertile land to Zia at a nominal price.

Political Relationship

In the case of disputes among the VO members or within their families they occasionally took help of the heads in settling the disputes. The heads also expected the support of the members to increase the number of their followers against other heads in the village. When there was a conflict between the heads, the members were asked to support them to increase their muscle power. The supports were naturally expected as the heads extended help to the villager during the crisis (Karim 1991). The heads often came to an understanding with the members for their support in *shalish*. In number of instances members placed argument in the *shalish* in a line as instructed by the heads. The members also support the verdict pronounced by the heads.

Whatever was the nature of relationship between the heads and members the study reveals that the villagers were tied to the whims and desires of the heads as because of their power in all the sector – social, economic, and political (figure 1).

Development and functioning of federation

Number of factors related to formation, structure and composition of federation appeared to have a bearing on the successful participation of federation in *shalish*. The federations were supposed to function according to a guideline but considerable deviation from that was observed. Program Organizers (PO) of Social Development program were given targets on member of Federations they would have to form each year. The selected members were brought to the office for an orientation on Federation. This was done irrespective of whether the members were willing to join Federation. The members became part of the Federation as membership was proposed to but in most cases it was imposed on them by the PO. The male members of the Federation were chosen by VO members. In spite of the orientation some of the members expressed their lack of faith on the objectives of the federation.

As per policy members were supposed to conduct bimonthly meetings. In none of the federations meetings were arranged by the members themselves. The resolutions taken in the

As per policy members were supposed to conduct bimonthly meetings. In none of the federations meetings were arranged by the members themselves. The resolutions taken in the meeting was not recorded properly. Some of federations did not preserve old register while some others preserved it, but were completely blank. Most of the members knew a little about the schedule of meeting.

Quite a good number of members both male and female had no interest in attending meetings. They believed that woman, for being too weak to play a role in *shalish* would not be able to do anything. In spite of such attitude, some of them attended the meeting just to keep up with the formalities. On the other hand, there were members willing to attend the meeting but failed to do that for variety of reason. Like members were afraid of reproached from husband, mothers-in-law and other family members, as they did not like such participation; some could not manage time as they had babies and household works; some had to go to work at the time when meetings were held; again some had problem in attending the meeting, as these were held at a place far away from their home.

Male members of the federation were recruited from personal connection of the VO members' husband or close relatives of these members. It seemed that their liking to work for the federation was not a motive in including them in the federation. These male members were particularly reluctant to participate in *shalish* and federation meeting. Dropout of the member from the VO was also a hindrance in smooth functioning of the federation in some cases. In number of instances VO members who also happened to be the members of a federation dropped out from the VO for defaulting in repaying loan. These dropouts were replaced by new members to keep the VO size intact. These newly recruits, besides becoming VO member were also made the member of the federation. These members were not oriented anything by the BRAC staff.

Table 1. Case status on *shalish* participated by federations

Output	Ethbarpur	Dumuria	Fatehabad	Charbakar	Gongabordi	Muraridaha	Jaganathdi	Digholia & Bram.
Status of Federation	A	C	A	C	A	C	A	C
Successful	1	-	-	-	-	-	3	1
Failure	2	-	1	-	-	-	-	1
Attitudes of heads on participation of Federation in <i>shalish</i>								
Positive	1	1	1	1	1	0	4	0
Negative	3	4	3	3	4	5	0	4

Table 1 presents the status of federation in terms of their participation in *shalish*. In Ethbarpur and Digholia the federations became successful in some *shalish* but not in others (Table 1). Three federations since their formation did not take part in any *shalish*. In the case of federations where members participated in *shalish* confessed that they took part in only a small number of *shalish* actually held in their village. One of the reasons for participating in small number of *shalish* by the member was that they were under the impression that it was their responsibility to take part in the *shalish* related to the problems of VO members. Most of the members were not aware that it was one of the responsibilities to take part in all *shalish* held within their jurisdictions. The member also indicated that they were not informed about such a responsibility by BRAC staff. Table

indicates that successful participation of Federation in *shalish* was lower in cases where heads were not in favor of women's participation in *shalish*. As mentioned before the Social Development Program graded all Federations on the basis of twelve criteria but in reality there was no difference between the federations ranked 'A' and 'C' in term of their participation and playing role in *shalish*.

Success of federations in *shalish*

Five in-depth case studies were made with a special focus on the factors, leading to successful participation of federation members in the *shalish*.

Case 1

Redu was a forty-five year old rickshaw puller from Etbarpur. Although he has a wife, Nasima, two sons, and three daughters he got married for the second time. After the marriage he started selling his land to buy cot, showcase, TV without the permission of the first wife. Nasima as well as their children protested to the sell of land, but was not enough to change Redu's decision. Nasima asked for a *shalish* in Shefali's (cousin of Nasima) home to stop her husband from selling their land. The *shalish* was presided by three heads - Khaleque chairman, Rob member and Ramzan member of the same village. Chairman decided at the *shalish* that Redu should register all land owned by the family at the name of his sons. Redu accepted the verdict but after some days without the registration of the land he fled to his second wife in Comilla. After two months Nasima went there and requested for a *shalish* to the local heads in Comilla. The *shalish* over here verdicted that Redu should go back to Ethbarpur and stay with his first wife. At this Redu come back to Ethbarpur but staying there for few days returned back to Comilla again. After some days he again came back to Ethbarpur with an intention to sell their land and other belongings. Realizing this Nasima called *shalish* once again at her home but it failed to come up with a conclusive decision this time.

Nasima was aware of federation and about its activities. Finding no other way she went to Monowara, the secretary of local BRAC federation to get her help. Monowara and Sufia, the president of federation, went to Khaleque chairman for a solution. They went to him with 70-80 women and demanded that Redu should be punished for his bad intention and for marriage for the second time. Chairman promised that he would take up the case and do justice to Nasima. In fact he did not take any initiative in handling the case. The federation members themselves decided to take initiative for the arrest of Redu for having second wife. Members raised a fund by receiving donation from the villagers including both BRAC and non-BRAC members. The villagers donated Tk.1-5 to fund. The money was given to police to get Redu arrested. Abdul Malek, a male member of the federation, kept an eye on Redu so that police might arrest him before he escaped from the village. On his way to second wife Police arrested Redu at the local bazar. During arrest police begun to beat and asked him to divide all of his land to his sons but he did not agree with the proposition at that moment. Next day Shikdar Shahid, a local leader and Khaleque chairman ordered Redu to register all of his land at the name of his sons in exchange of his release from the imprisonment. This time Redu complied with the order.

Case 2

Beli Begum was married in Jagonathdi, a neighboring village. Her husband was addicted to

gambling. She was physically assaulted whenever she tried to stop him from gambling. She was always harassed by her mother-in-law and father-in-laws. For sometime Beli did not protest to such a treatment, but over time such assault scaled up. Finding it unbearable at one point Beli left for her brother's home. After some day brother's wife advised Beli to return back to her husband, as they were unable to bear the extra expenses due to her presence in the family. She made Beli understand that there was no other way for a woman without a husband. Being convinced Beli returned back to her husband. After the return husband's behavior towards her was worse than the before. She was severely punished for leaving husband's family and for neglecting him. At this she decided to leave her husband forever.

Beli was familiar with BRAC's federation and its activities. She informed Rizia, the president of local federation about her problem. Rizia immediately arranged a *shalish* at her home. Beli Begum and the accused - her husband and father-in-laws were asked to be present in the *shalish*. Two senior heads of the village - Halim Mallik and Hai Mollah and a member of union parishad presided over the *shalish*. The *shalish* was attended by almost all the federation members. According to the decision in *shalish* Beli's husband signed a bond that he would never misbehave with Beli, gamble, and would maintain family well. All the heads from both sides present in the *shalish* signed in supporting the decision.

Case 3

Aziz and Manu lived next to each other in Jaganathdi village. On morning Manu sold a tree located on the common border between his and Manu's home. Manu claimed that the tree was located on his land thus belonged to him. This created a problem. Failing to solve the problem by themselves both of them decided to file a case against each other. Hai Mollah, a male member of the federation as well as a head from the village was able to hold them back on their way to filling case in thana made by convincing them to settle this problem in *shalish*. A *shalish* was held at Manu's home. Monowara, Rizia, Alauddin, Hai Mollah, all the members of the federation attended the *shalish*. Hai Mollah and Rizia played key role in conducting the *shalish*. It was decided that the land of Aziz and Manu would be measured by a land surveyor to find out in whose land the tree was standing. The survey indicated that tree stood on Manu's land thus he owned the tree. Consequently Aziz and Manu were saved from spending lot of their money by running cases in the courts.

Case 4

A pillar demarcating the Mouza boundary as well as that of Jaganathdi village was stolen. There was a rumour that the pillar had magnet inside considered to be valuable. After the theft Alauddin, a federation member under the benefit of doubt filed a case against Gafur and Rahim. In return Gafur and Rahim filed case against Alauddin. After some day police found the pillar in the village as abandoned and handed it over to a union parishad member. A *shalish* was called in the middle place of the village so that the feuding parties might withdraw their cases. Chairman of union parishad, local journalist, four heads of the village, and some members of the federation including Monowara, secretary of the same attended the *shalish*. The *shalish* was convinced that the pillar did not have any magnet and decided that it should be reinstalled to its original location. Then to decide how the feuding parties might withdraw the case, the chairman presiding over the *shalish* formed an eight-member jury board. Monowara was in the jury board. Some member in the jury

proposed as Alauddin filed the case first so he would have to withdraw the case and his counterpart would do later. But Monowara protested that both the parties would have to withdraw each of their cases by themselves at the same time. After a long debate Monowara's point was accepted by all. The cases were withdrawn from the court and the problem was solved. Monowara was praised for her active role in the *shalish*.

Case 5

Ashit from Brammonkanda often complained that his wife Jarina frequently visited her mother even when she was asked not to do that. In the middle of this complain Jarina visited once again her mother with their baby and stayed back. Ashit did not like it. After some days, Ashit went to his mother-in-law's house and brought back his baby from Jarina. At this Jarina was afraid of returning to Ashit assuming that he would beat her for the defiance. Jarina heard from a source that Ashit was planning to divorce her. Thus, a case against Ashit at BRAC legal aid service at Modhukali area office was filed. Ashit received a notice asking him to report to BRAC office and settled the problem. Ashit ignored the notice. Ashit's father reacted to the notice by mentioning that his son would divorce Jarina and he would marry again.

Monju Rani, the president of local federation aware of the whole incidence proposed Ashit to take initiative in settling the matter immediately. Ashit did not give ear to her proposition and his father reacted by using objectionable words to Monju Rani, that as a woman she had little power. Later on Ashit and his father got scared by thinking that a police action might result because of their misbehave with Monju Rani. Thus, they came to Monju Rani and requested her to take initiative in solving the problem. They also proposed Monju Rani to arrange a *shalish* at her home. Accordingly a *shalish* was arranged. Finally the matter was settled. Ashit took Jarina back to his home and they were happy in their conjugal life described by the president of the federation.

Reasons for success of federation in *shalish*

Numbers of factors was observed to have contributed to the successful participation of federation in above *shalishes*.

- a) All the members including the president of the federation received Human Rights and Legal Education course intensively. These members through arguments influenced the presides to apply family and other laws with the help of correct and strong arguments in the *shalsih*. This made *shalish* effective by making proper use of the laws learnt (Case 2).
- b) The collective power of the members made their participation in *shalish* effective by forcing it to take right decision. Decisions were accepted by both plaintiff and litigant (Case 1).
- c) There were heads who were honest and sympathetic to poor villagers. Federation members developed a good relationship with these heads. Here both the heads and the members cooperated with each other in making *shalish* a success (Case 1).
- d) Some of the male members were present in most of the *shalish* and have played an important role in solving the problems (Case 3).
- e) Participation of the member in the jury board was another cause for the successful participation of members in *shalish*. By being in the jury the members were in a better position to influence the board to take the right decision in the *shalish* (Case 4).
- f) Some of the presidents of the federation were members of union parishad. As a result they had

better access to the proceedings of the *shalish*. They were vocal and could talk eloquently. They could go wherever it was necessary and had no bar from the family members in working for the federation. They were honest and helped others selflessly. These qualities gave them the capacity to bring not only the fellow members but also other villagers to their support (Cases 1-3).

Failure cases of the federation

Four case studies were done with a focus on the factors, which lead to the members' failure in the successful participation in the *shalish*.

Case 1

Felu Mondol and Razzaque Mondol from Brammonkanda disputed on the ownership of a piece of the land, which was under possession of Felu Mondol and his ancestors. During the government's land survey a piece of land was demarcated as owned by Razzaque mondol. Knowing this Felu mondol corrected the record by the order of the magistrate from the court. After Felu's death Razzaque complained that Felu registered 10 decimal of Razzaque's homestead secretly in his own name from the registration office. Razzaque tried to take possession of the land. At this Felu's son Jabbar asked Khaleque, a head from the village to settle the dispute. Khaleque asked both the parties to submit their deeds to Monju Rani, the president of federation under Digholia as well as a member of union parishad. Felu's son handed over his deed to Monju Rani but Razzaque told that he would produce the deed shortly. One morning when Felu along with his family members was working on a farmland they were attacked by Razzaque and his group. In the fight a number of people from both sides were wounded and had to be taken to the hospital for treatments. After this both Felu's son and Razzaque filed cases against each other. The cases continued for a long time costing a good amount of money for both of them.

Ohab, a fellow villager proposed to both Razzaque and Felu's son to settle the dispute through *shalish* before they were economically drained out. The litigants gave heed to the advice, and a *shalish* was arranged. Two union parishad chairmen, all heads from Brammonkanda and Digholia, and members participated in the *shalish*. *Shalish* was held near the mosque in Digholia village. The president of the *shalish* requested both the parties to submit these deeds against the disputed land. Felu's son submitted the deed whereas Razzaque failed to do the same, instead he produced the documents related the case filed. As Razzaque failed to submit the deed the chairmen tried to conclude the *shalish* by giving decision in favor of Felu's son. Razzaque and his kin realizing the direction of verdict of the *shalish* was heading expressed their motive of not accepting any decision against them. As a result *shalish* was concluded without a decision. In *shalish* Sundari Begum, the secretary of federation wanted to talk but Felu's son remarked, "What do you know? You are woman, you cannot do anything, you may go now". Hearing the remark Sundari immediately left the *shalish*. Other members of the Federation like Monju Rani, Chand Ali, male member who were also present in the *shalish* did not speak anything.

Case 2

Dabir was a poor rickshaw puller from Fatehabad. He was married to Nazma and had two infant sons. Nazma always complained that Dabir was unable to feed them well and quarreled with him. One day she left Dabir. At this Dabir requested for *shalish* and it was held at his home. Shafia, the secretary of the federation and three influential heads, Malek, Kashem, and Momin from the

same village, presided over the *shalish*. The *shalish* decided that Nazma should go back to her husband. Although Nazma complained to the decision but that was for a short while. She once again returned her father's home neglecting her children as well as Dabir. This time Dabir proposed that it would be better if she divorced him but Nasima's uncle warned Dabir that he would file a case against Dabir for proposing for a divorce. The threat frightened Dabir and he went to Sufia for help. Shafia went to a head and asked to arrange a *shalish* to solve the problem. The head told Sufia that he should be paid Tk.10,000 before a *shalish* could be organized for Dabir. Dabir was not in a position to pay such an amount thus *shalish* was not called. At this Dabir neither went to heads nor to federation member for any help. If he resorted to court he would not be able bear the expenses. Members did not take further initiative to solve his problem, as they were not very kind in taking up the Dabir's case.

Case 3

Khaleque's cow ate up some green paddy on a plot of land owned by Surath Ali. He and his wife caught the cow and loudly called by the name of Khaleque. Khaleque, his wife and Abdul Haque (Khaleque's cousin) came to the spot but all on a sudden began to beat Surath Ali and his wife. Karim on behalf of Surath Ali began to hit back Khaleque's wife. Seeing this, Almas, a member of union parishad, Akon Ali, and Sufia - president of Ethbarpur federation, went there and took the situations under control. Both Khaleque and Surath Ali went back to their home. Almas a member of union parishad called a doctor who gave first aid to Khaleque's and Surath Ali's wife. Although doctor was of the opinion that Khaleque's wife was okay Khaleque got her admitted to a hospital in local town to give an impression that she was seriously injured in the fight. This was done as part of plot to harass Surath Ali. Kazi Jahangir a powerful Awami league leader from Chandina asked the doctor of the hospital not to release her from there until the *shalish* on the issue was held. Accordingly Khaleque called for a *shalish* when his wife was in the hospital. Fakrul bhuiya, the chairman including Almas, Latif, Ramzan, and Rob, all the heads from the same village participated in the *shalish* held at the Madrasha ground. Sufia, the president, and all other members of the federation were also present in the *shalish*. Rahman and Malek's wife decided to attend *shalish* as non-party witnesses to the incidence although they were not asked to attend the *shalish*. Union parishad chairman presided over the *shalish*. After hearing detail of the incidence chairman formed a jury board including four heads (Ramzan, Rob, Nuru, Malek, and Almas). The board imposed a fine of Tk 5,000 to Surath Ali. Almas member protested against the decision and proposed that the fine should be reduced to Tk. 2,000. Other member of the board did not accept the proposed of Almas. The jury board declared their decisions by mentioning that Tk.5,000 should be paid for the treatment of Khaleque's wife. Hearing the verdict Surath resorted himself to chairman's feet and mentioned that he did not have the capacity to pay such an amount. He also mentioned what kind of justice was done for him. His paddy was damaged and again he had to pay a fine. Surath Ali was also beaten by a head at the *shalish* for not showing due respect to a member. Sufia talked with chairman and protested against the judgment, chairman said that he could do nothing against the decision of the board. The common people as well as other federation members did not say anything in the *shalish* fearing that they would be subject to board's wrath if they protest to the verdict. Surath Ali's elder brother went to chairman with Tk. 2,500 but he refused to receive it. Chairman got angry with Surath Ali as he was late in paying the fine and got his son Shahjalal arrested. Almas member got Shahjalal free from thana after assuring

that he would get fine from Surat Ali. Surath Ali's elder brother helped him by giving Tk. 3000 to pay the fine.

This *shalish* was influenced by political affiliation of parties involved in *shalish*. Most of the heads and the chairman were supporter of Awami League whereas Almas member and Surath Ali were BNP supporters. This is why, Surath had to bear such an ill fate in the *shalish*.

Case 4

Two brothers Sekendar Ali and Dudhmiya from Ethbarpur jointly bought 22.5 decimals of land. Sekendar Ali got 7.5 decimals of the land jointly registered in their names, but for rest of the land he got it registered exclusively in his name. After death of these two brothers Malu and Shah Alam, son's of Sekendar Ali and Dudhmiya respectively got into a dispute on land registered in Sekendar Ali's name exclusively. Shah Alam and his brothers Monu Mia and Awal forcefully occupied 7.5 decimals of this disputed land. Malu filed a case in the court against Shah Alam and his brothers.

Shah Alam called for a *shalish* to solve the problem. Five heads - Rob, Malek, Ramzan, Almas and Majid - attended the *shalish*. The *shalish* was held in the school ground of the village. Abdul Mazid was asked to conduct the *shalish*. In the beginning of the *shalish*, Shah Alam made a statement defending his position why he occupied the land. The president of the *shalish* remarked that the deeds would prove who would get the disputed land and asked both plaintiff and litigant to submit the documents proving their ownership. Malu handed four deeds to *shalish*. Mohor Ali and Rob member checked the documents and added the measurement of land as mentioned in the documents after writing those on piece of a paper. Malu's son Baten took the paper in his hand but all on a sudden Shah Alam snatched it away from Baten's hand and tore it up. After this Shah Alam started beating Baten. Fight spread out among others supporting Malu and Shah Alam in the *shalish*. All those conducting *shalish* started observing the fight. Monu Mia was wounded on head in an attempt to stop the fight considering the situation not safe. At this Malu and his sons ran away to their home. Awal supporting Shah Alam and his nephew chased Malu with a bamboo stick. In the process Awal was heat on his head and was bleeding. At this Awal, Shah Alam, Reshu and few others attacked Malu and his sons at their house. They forcibly took away some cows from Malu's house.

Shah Alam and others went to Kheleque, ex-upazilla chairman and influential BNP leader to take his advice on filing a case against Malu. The leader proposed Shah Alam to arrange *shalish* once again at a later time instead of filing a case.

The federation members were not aware about the *shalish* ahead of time. The president of the federation (Sufia) heard about the *shalish* in the same morning. Abdul Malek, male member of the federation heard about it a day earlier but he did not inform about it to others including the president of the federation. Both Sufia and Abdul Malek attended the *shalish* in a short notice. During *shalish* Sufia stayed at Reshu's house located nearer to the place of *shalish*. It must be mentioned that Reshu sided with Shah Alam. Malek member asked her to come out and take a seat beside them in *shalish* but she was shy in doing that. Abdul Malek took backbench in the *shalish*. In spite of the disagreement both the members failed to protest to the decision of the *shalish*. President mentioned that they did not have enough knowledge on the legalities related to land and were afraid of passing any opinion or placing arguments in the *shalish*.

Reasons for the failure of federation to participate in *shalish*

Number of factors have limited the contribution of federation in *shalish*.

- Although women have become much more mobile than before their participation in *shalish* as because of traditional values and customs was not looked positively or were not allowed in many cases. A small number of members dare to speak in *shalish*. Basically women were allowed to speak as witnesses in *shalish* which fell short of the objectives of federation. The members were severely criticized by heads in many cases for being vocal in *shalish* (Case 1).
- No matter how good was the relationship, members were always afraid of heads. Members believed that they would be harmed e.g. by filing a false case or insulting any time, if they contradict the heads. So in most cases members supported the judgement given by heads in *shalish* (Case 3).
- Male members were always instrumental in effective participation of members in *shalish* but they were often absent in *shalish* (case 2).
- Members should inform the message of *shalish* to all the Federation members when it arranged in any corner (*para*) of the village. In most cases, they did not inform anyway. Members of the federation, even the victim itself, were not interested to bring to light the incident to other members. She sometime wanted to hide this as because of prestige or sometime anxious for other village elite (Case 4).
- Women members felt shy to go to another side of the village (*para*). In some villages, the *shalish* was conducted in the evening or at night by the heads. Some times they were reprovved sternly by the heads if they spoke in *shalish* coming from another *para*.

Views of heads on the role of Federations in *shalish*

Shalish as it stands now is a business of village heads. Effective participation of federation in *shalish* depends on heads attitude towards the participation. Heads expressed their opinion on what should be the role of federation in *shalish*. Number of heads believed that the member or any female should not take part in the *shalish* was almost three times more than those who believed that they should take part in *shalish* (Table 1).

Some heads were of the opinion that the knowledge that members received on laws was immensely helpful in *shalish*. One of them remarked that 10 years back they did not allow women to come out of home and participating in *shalish* of their own. As they have gained knowledge their ability to talk rationally have increased, thus they were welcomed to join *shalish*. In spite of federation not functioning in its full capacity their contribution was considered significant. The heads were impressed with the performance of the member in the *shalish*, particularly the way they upheld the cause of the poor and the arguments they placed in the *shalish*. All these made some heads to believe that the members should always take part in *shalish*. They did not see any problem in women's participation in *shalish*, as there was no difference in the capacity of male and female in conducting *shalish*. In fact, women should participate more in *shalish*, as they were more skillful in solving women-related problems. Male heads usually have difficulties in grasping the underlying cause of women's problems. They mentioned that women should increasingly come forward to participate in *shalish*. As their participation was low some heads suggested that they should take initiative in increasing women participation in *shalish*.

Some heads believed that the participation of members in *shalish* was contingent upon their future performance. It was believed that so long the members spoke the truth and protest against injustice, and have wisdom they would be allowed by the heads as well as by the villagers to play a role in administering *shalish*.

The role of heads in facilitating the participation of members in *shalish* was greatly emphasized. Some heads believed that although women were more capable then before they still need help in conducting *shalish*. The member should take experience of the heads so that they might conduct *shalish* of their own. More specifically the members would be able to function better and solve social problems more effectively by cooperation with the heads. A head remarked that the educated women from their families should be included in *shalish*.

The heads, who were against the participation of members in *shalish*, also had rational for holding such an opinion. The traditional values held by heads were an important determinant to oppose member's participation in *shalish*. Some believed that women should never participate in *shalish* as their visit to such a public place was not allowed by Islam. After believing on the traditional gender division of labor, some opined that *shalish* was a place for man and it was a man's job, so women should not attend *shalish*. Women did not have any importance in *shalish*. Besides *shalish* did not have an environment for women's participation in it. According to them women should remain occupied in household work. They should not be allowed to participate in *shalish* and the practice should be kept intact for all time to come. If they at all have to participate in for any reason *shalish* should be done with the permission of the head.

To some the reason why members should not participate in *shalish* lies in the lack of women's capacity to conduct *shalish*. The poor women from federation did not have enough education and mobility to come out their house considered to be preconditions for conducting *shalish*. The poor were always busy in thinking about their livelihood as a result it would not be possible for them to attend *shalish*. Some even believed that the behavior of women was not up to the mark for conducting *shalish* as when even in the past they were asked anything in *shalish*, they started quarreling with each other. One head believed that federation of the poor was a good idea but it would have been more effective if training was given to men then women, and to poor men than to the poor women.

Conclusion

Shalish is an age-old institution spontaneously created through trial and error over a long period of time, thus very much ingrained in the psychic of the rural society. It is also a part of social structure supported by social values and norms, and has a function, contributing to the continuation of rural society when it is in its ideal form.

With the passage of time *shalish* had gradually degenerated and has turned into an institution mostly benefiting the heads at the cost of the poor in the village. In spite of such disfunctioning of *shalish* there is variety of reasons why it still exists with an institution with full figure in the village. The heads determining the power structure of the village are in fact in charge of the *shalish*. Their monopoly in controlling the power structure of the village lies in the authority passed to them from their ancestors and economic power and political influence they enjoy. At times their political power have further consolidated by winning in the election they participate. It has legitimized their authority and testified their support in the locality. In most

cases these factors determining authority of the heads supplement and complement each other and are located in the same, thus making these heads almost all powerful in the village.

Common villagers hardly dare to disobey the verdict of the *shalish*. The disobedience to the verdict does not go without a reprisal. It is particularly true if the accused does not belong to the power structure or their allies. The villagers are not in a position to challenge the unjust verdict of the heads or do anything if that goes against interest of the heads. Such powers of the heads without an effective means to challenge it have made *shalish* a corrupt institution where verdict can be manipulated by bribing the heads. Moreover, the effectiveness of *sahlsh* in benefiting the village has been further neutralized by the influence of national politics. Thus, *shalish* is considered to be a defunct institution.

Whereas the rich can take help of the court the poor cannot afford to get such a service. Even if they file case in the court in most cases they fail to keep up with its cost. Thus, some time they are forced to withdraw the case from court and take help of *shalish* for solution of the dispute. The absence of an alternative affordable and effective institution for litigation probably making *shalish* exist with full vigor and vices in the village.

Realizing that *shalish* would stay in the village for days to come until a better alternative replaces it BRAC intends to make *shalish* more effective particularly benefiting the poor. In such an initiative BRAC has strategized a device under which the poor villagers might play a role through federation in the *shalish*, and in turn, make it beneficial for all. But federation is facing certain challenges in playing such a role. The genesis of the challenge lies in the process how the federation was formed and in the vested interest of the group controlling the power structure in the village.

Federation is an organization of the poor induced by BRAC and is still in the process of becoming an institution. It has not been formed spontaneously by the villagers of their own initiatives over a long period of time as happened in the case of the *shalish*. The formation of an organization, an agent from outside, as in the case of federation, needs justification for its formation at two levels – within the organization and the community where the organization is located.

Federation needs to justify to its members on the issues why they should be part of the federation, why they should work for it and how working for the same will benefit them both collectively and individually. The answer to these questions and creation of an attitude in favor of the organization should be developed in members through consentization, sensitization and orientation on federation. The preparatory part of the federations observed hardly went through such homework. No investment on these issues was initiated even after the formation of federation by BRAC. This was why small number of federations participated in *shalish* was so low in the Federations and majority members were not optimistic about the bright prospect of federating in future. Even where members participated in *shalish*, other than one, a small portion of the members of the federations attended the *shalish*.

Federations participating in the *shalish* in most cases did not take any prior preparation for the same. The members participated casually and all members of the federation were not informed about the forthcoming *shalish* they would have to participate. It was considered crucial that maximum number of members should participate in the *shalish* to prove their numerical strength particularly in cases where the heads were against the member's participation in the *shalish*.

It was considered necessary for members to take some preparation on the issue that would be dealt in the *shalish* before their participation. This was important so that the members could make positive contribution and prove their competency in playing a role in the *shalish*. To make the participation of federation in *shalish* acceptable to the heads thus make it a part of the proceedings in *shalish* it is important that the members prove their functional importance in the *shalish*. This will also make federation acceptable to the heads and the villagers at large. In a number of cases the members were able to establish their such importance by demonstrating their knowledge on legal issues in the *shalish*. The great majority of the heads were against the participation of members in the *shalish*. Given that they control the power structure of the village we believed that it would be impossible for the members to participate in the *shalish* effectively against their will. In such a situation, it was considered important that the heads and also others in the village were convinced so that the members might play a role in the *shalish*.

The heads who supported the participation of members in the *shalish* implicitly or explicitly indicated that the members' participation should be from existing leadership. In fact, members' participation was expected so that it might become easier for the heads to conduct the *shalish* as they desired. Understanding that *shalish* as it stands is a corrupt organization of the village elite such participation of the members will not serve the objectives of the Federation.

Most of the members were socially, economically, and politically dependent on the heads. Withdrawal of their supports would mean irreversible loss of the members. Some of the members were also obligated to the heads, which they were not in a position to get rid of. That is why a member remarked – *I am a poor woman. I have many problems, so I have to go to the head as he helps me by giving money and providing security whereas Federation is unable to do. So I could not protest when heads did any injustice in the shalish.* As a result members would not dare to contradict with the heads. The reprisal for doing that, e.g., excommunication, could be a matter of existence for them in the village. The primary allegiance of the members lay with the *shamaj* to which they belonged and a head usually representing it; their allegiance to federation always stands next to *samaj*.

In all the cases observed, the participation of the members in the *shalish* and playing a role by them were very much determined by the heads. That is why they have participated in some *shalish* but not in others. Where they have participated, their role was very much in line with the action of the heads as desired by them. Even within this limited scope the participation of the federations as observed had variety of outcomes:

- In some cases the federations were successful in *shalish* as because their roles and ideas did not contradict with the heads or the heads did not have any vested interest in becoming biased in deciding the case. As a result they accepted the arguments given by the members.
- In some cases the federations were unsuccessful in the *shalish* as because the members remained silent in the *shalish* realizing that their ideas would contradict with the interest of the heads or were shy in talking in present of several heads who were not known to them. These federations were mostly associated with the heads who were against participation of the members in the *shalish*.

Some federations were successful in one *shalish* but not in another. Sometimes they failed to protest the unlawful verdict of the heads. There were a number of reasons behind such inconsistent outcome.

- ◆ The presidents of the successful federations become successful in the *shalish* if they were the

members of the union parishad. They had a social status and social recognition to what made it possible in their part to influence the *shalish*;

- ◆ Some heads inspired the members and supported them in the *shalish*;
- ◆ Spontaneous participation of other members and helped them understand the intensity of the *shalish* by the president and secretary of the federation.
- ◆ The federation could not protest the illegal verdict of the heads because most of the members were not aware of the *shalish*, thus did not allow *shalish*. Although the president participated but was present as an onlooker.
- ◆ Heads were predetermined to punish the victim as he supported the political party different from that of the heads’.

Under such a relationship it is very difficult for the members to work for the cause of the poor and make *shalish* an effective institution for all. Multi-dimensional approaches are needed to sever the dependency of members from the heads. The members need to take up economic enterprises independent of the heads and make them economically self-dependent. The VOs and the federations should be strengthened to an extent that the members might receive all social supports from these organizations as they are now receiving from *samaj*. This can be done by increasing the social capital of the poor. As a result the allegiance of members to *samaj* will be replaced by the one on federation. The members considered the presence of federation as very much needed in establishing the rights of the poor in the society. They all believed that the poor were neglected and exploited by a small group of elite controlling the power structure. A united force was considered essential to set up social justice and rights of the poor. The Federation should be in charge of such a responsibility thus brought equality in the society. Then sentiment should be used in. In the political domain all members should form a vote bank and make themselves a united power in all demands and protests. Such mobilization of the poor will give them strength to stand against the power structure in the village when needed.

In spite of the obstacles in the effective participation of federation in the *shalish* as discussed their limited participation was not without a positive dent on the *shalish*. The heads are taken federation as a combined force of the poor women and some men. Members at least protest the monopoly of the head in conducting the *shalish*. Heads could not keep aside the opinion of the federation members during *shalish*. The role of federation in *shalish* to an extent helping in ensuring social justice for the poor. The members are also learning how to deal with the heads in the *shalish*. In spite of these achievements finding uncontroversial indicates that there is much to be achieved to make the federation effective to the expectation all of us. Therefore in the light of the finding following recommendation are made.

1. The members should be educated and trained so that they may effectively contribute in *shalish*.
2. The organizational strength of the Federation should be enhanced by bringing discipline in it. BRAC staff should play an active role in the process.
3. The formation of federation should be rationalized to the members, so that they spontaneously participate in the activities of the federation
4. Steps should be taken so that the social capital may increase that the mutual support and confidence of the members among themselves may increase.

Appendix: Table shows the number of villages and paras and lists of boro heads and choto heads

Village	Ethbarpur			Dumuria		Fatehabad				Charbakar			
	Malek, Shahjahan			Ramen , Hiron Bhoimik		Shahjahan, Malek				Razzaque, Rahman, Motiar, Rana, Samad, Kashem, Jafor			
Paras	Ethbarpur	Modhusayer	Nurpur	East para	West para	Chanda r para	Bhuiya para	Middle para	Hindu para	East para	west para	Middle para	Chandra nagar
Junior head	Rob, Ramdan	Mojid, Almas	Fokruzza man, Malek, Khaleque , Sattar	Motin, Rahman, Shrecribash, Renu, Mozammel	Direndra , Moslem	Farid, Barek, Ibrahim	Malek, Kashem , Alam, Momin	Eusuf, Jahangir, Siraj, Hascm, Monsoor, Majid	Gourango, Dulal, Prasanna, Jaldhar, Sunil	Babori Mia, Latif	Siddik	Siraj	Moham mad

Village	Gongabordi			Muraridah		Jaganathdi			Dhigholia			
	Momres Mollah, Mohammad sardar , Rafiqul			Mofizuddin, Mohsin, Razzak		Halim, Ranjit, Uttam, A. Hai			Rabban, Jafor, Barek, Khaleque			
Paras	North para	Middle para	Middle para	North para	Somospur	Bhomik para	Majhi para	Molla para	Das para	East para	Middle para	One para
Junior head	Shafiq, Khaleq	Arshad ali, Lokman, Amur, Samad, Sattar, Alauddin	Jalil, Barek	Afsar mir	Waziuddin, Banath, Momin, Azit, Asad, Khalil, Sonamoddi	Praddut	Azit	Ismail, Gofur, Azizar	Amal	Malek, Mongol, Mohsin	Kader, Momin	Motaleb, Rashid, Razzak, Mannan, Hashim, Sattar, Sobhan

Total # of village 9

Total # of para 25

Total # of senior head 28

Total # of junior head 74

Average # of senior head 3

Average # of junior head in each para 3 (almost)

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