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Ensuring Access to Justice in Bangladesh: The Role, Challenges, and Effectiveness of Alternative Dispute Resolution

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Abstract: In Bangladesh, ensuring access to justice remains a critical challenge, particularly due to the complexities, delays, and financial burdens associated with formal litigation. In response, Alternative Dispute Resolution (ADR) has gained renewed emphasis as an effective mechanism to resolve conflicts outside traditional court proceedings. ADR methods not only reduce litigation costs and delays but also foster amicable settlements, preserving relationships and minimizing adversarial confrontations. Recognizing these advantages, countries worldwide, including Bangladesh, have incorporated ADR into their legal frameworks to enhance equitable access to justice. This study examines the role, challenges, and effectiveness of ADR in Bangladesh, analyzing both court-based and non-court-based mechanisms under various legal provisions. It explores the barriers to justice within the conventional legal system and evaluates ADR's efficiency, fairness, and inclusivity in addressing these obstacles. By assessing the impact of ADR on different socio-economic groups—regardless of wealth, literacy, gender, or social status—this paper highlights its potential in promoting a more accessible, non-discriminatory, and expeditious justice system. Finally, it offers recommendations to strengthen ADR's implementation, ensuring its long-term success in facilitating justice for all.

Keywords: Access to Justice, Effectiveness, Resolution, judicial framework, Mechanisms.

Introduction

Access to justice is a fundamental human right and a cornerstone of a fair legal system. It is widely recognized that "injustice anywhere is a threat to justice everywhere" (King, 1963). The right to access justice is enshrined in the constitutions of many countries, including Bangladesh. The Constitution of Bangladesh guarantees every citizen equality before the law and ensures the right to legal protection and fair treatment (Constitution of Bangladesh, Article 27 & 31). These rights are further reinforced by various international and regional legal instruments. The Universal Declaration of Human Rights (UDHR) 1948 asserts that "everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, or sex" (United Nations, 1948). Similarly, the African Charter on Human and Peoples' Rights states that "every individual shall be equal before the law" (African Union, 1981).

Despite these guarantees, access to justice in Bangladesh remains a challenge due to systemic issues. Delays in court proceedings, case backlogs, high litigation costs, complex procedural

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rules, and limited opportunities for consensual settlements hinder the realization of justice for many, particularly for the marginalized and disadvantaged communities (Rahman, 2019). The legal system theoretically provides justice for all, but in practice, it often favors the wealthy and powerful, as financial resources significantly determine one's ability to access justice (Hussain, 2020). This challenge is particularly evident in civil litigation, where adversarial proceedings lead to prolonged disputes with minimal scope for amicable resolution.

Given these challenges, Alternative Dispute Resolution (ADR) presents itself as an effective mechanism to enhance access to justice. ADR encompasses various processes that facilitate dispute resolution outside formal judicial proceedings, promoting amicable settlements in a cost-effective and timely manner (Kamal, 2001). Former Chief Justice Mustafa Kamal defined ADR as "a non-formal settlement of legal and judicial disputes as a means of disposing of cases quickly and inexpensively" (Kamal, 2001, p. 45). The European Commission, in its Green Paper on ADR, acknowledged that ADR offers a viable solution to access-to-justice issues by addressing increasing caseloads, prolonged proceedings, and escalating litigation costs (European Commission, 2002). Furthermore, ADR's voluntary and consensual nature allows parties to actively participate in resolving disputes, fostering a sense of fairness and satisfaction among litigants (Ahmed, 2018).

Given these considerations, ADR is increasingly recognized as an essential component of Bangladesh's judicial framework. By promoting efficiency, cost-effectiveness, and mutual agreement, ADR enhances the accessibility of justice, particularly in civil disputes. This study aims to analyze the role, challenges, and effectiveness of ADR in ensuring access to justice in Bangladesh.

Theoretical Framework

The theoretical framework for this study on Alternative Dispute Resolution (ADR) and access to justice in Bangladesh is grounded in legal theories of justice, efficiency, and dispute resolution. The concept of access to justice is an essential component of human rights, recognized in both national and international legal frameworks. The Constitution of Bangladesh guarantees every citizen equality before the law and the right to legal protection (The Constitution of the People's Republic of Bangladesh, 1972). However, systemic barriers such as cost, delay, procedural complexities, and corruption have limited the practical realization of this right (Alam, 2001).

Theories of justice, particularly Rawls' concept of fairness and Sen's capability approach, provide the foundation for understanding access to justice (Rawls, 1971; Sen, 2009). Rawls emphasizes the importance of equal liberty and fair opportunity, arguing that justice should be accessible to all, regardless of socioeconomic status. Sen extends this by focusing on individuals' capabilities to exercise their legal rights. In the context of Bangladesh, ADR serves as a mechanism to bridge the gap between theoretical legal rights and practical accessibility (Naser, 2006).

ADR encompasses various dispute resolution mechanisms, including mediation, arbitration, and conciliation, designed to facilitate quicker, cost-effective, and amicable settlements outside the formal court system (Bhatt, 2002). The European Commission has recognized ADR as a key instrument in addressing barriers to justice, particularly in societies burdened by judicial inefficiencies (European Commission, 2002). Bangladesh has integrated ADR into its legal

system through legislative frameworks such as the Code of Civil Procedure (Amendment) Act 2003, the Family Courts Ordinance 1985, and the Arbitration Act 2001 (Hasan, 2005).

The effectiveness of ADR in Bangladesh can be assessed through the lenses of efficiency, fairness, and public perception. Empirical studies have demonstrated that ADR significantly reduces case backlogs, expedites dispute resolution, and lowers litigation costs (Rahman, 1986). Data from the Ministry of Law, Justice, and Parliamentary Affairs reveal that from 2003 to 2006, over 12,000 civil cases were resolved through ADR mechanisms, highlighting its impact (Ministry of Law, 2006).

However, challenges persist, including limited public awareness, lack of trained mediators, and resistance from legal professionals who perceive ADR as a threat to their economic interests (Sattar, 2006). Furthermore, informal ADR mechanisms such as village courts and NGO-assisted mediation often face issues of bias and political influence, which can undermine their credibility (Haque, 2003).

The theoretical foundation of ADR in Bangladesh is rooted in its potential to promote access to justice by reducing costs, ensuring efficiency, and facilitating fair outcomes. However, to fully realize its potential, institutional reforms, increased legal awareness, and the integration of ADR into formal judicial training programs are necessary. This study will explore the extent to which ADR can be strengthened as a viable alternative to traditional litigation in Bangladesh.

Justice and Fairness: Rawls' Concept of Fairness and Sen's Capability Approach

John Rawls' concept of fairness is rooted in his theory of justice as fairness, which emphasizes the principles of equal basic liberties and the difference principle. Rawls argues that justice should ensure equal rights and opportunities for all individuals, particularly benefiting the least advantaged (Rawls, 1971). His theory is grounded in the idea of the original position and the veil of ignorance, ensuring fairness in societal arrangements.

Amartya Sen's capability approach shifts the focus from mere distribution of resources to individuals' actual ability to achieve valuable functionings (Sen, 1999). Sen critiques Rawls for overly focusing on primary goods, arguing that justice should be measured by people's real freedoms and opportunities rather than just formal equality. His approach emphasizes social arrangements that enhance individuals' substantive freedoms to lead meaningful lives.

Alternative Dispute Resolution (ADR) aligns with Rawls' and Sen's justice theories in several ways. ADR promotes procedural fairness by providing alternative mechanisms to litigation, ensuring access to justice for marginalized groups (Menkel-Meadow, 2004). By reducing the cost and complexity of legal proceedings, ADR supports Rawls' principle of fairness by making dispute resolution more accessible to disadvantaged individuals. Similarly, ADR aligns with Sen's capability approach by broadening individuals' choices in seeking justice, thereby enhancing their capabilities to resolve disputes effectively (Sen, 2009).

However, ADR can also deviate from these justice theories. Critics argue that ADR may sometimes prioritize efficiency over substantive fairness, potentially disadvantaging those with less bargaining power (Genn, 2012). In such cases, ADR mechanisms may fail to protect the least advantaged, contradicting Rawls' difference principle.

ADR significantly enhances access to justice by providing cost-effective, timely, and flexible dispute resolution methods. The Washington State Access to Justice Board outlines that meaningful access to justice includes opportunities to assert claims, access necessary legal information, and participate in legal proceedings (Washington State Access to Justice Board, 2006). ADR meets these criteria by offering mediation, arbitration, and negotiation as viable alternatives to court litigation. In Bangladesh, access to justice is enshrined in the Constitution, ensuring equality before the law and the right to a fair trial. However, the formal legal system often fails to guarantee justice due to delays and high costs. ADR bridges this gap by facilitating quicker and less expensive resolutions, thereby ensuring fairness in accordance with Rawls' and Sen's principles (Halim, 2007).

Efficiency and Effectiveness of ADR in Bangladesh

Alternative Dispute Resolution (ADR) has played a crucial role in addressing the backlog of cases and reducing litigation costs in Bangladesh. The traditional legal system often results in prolonged disputes, whereas ADR mechanisms such as mediation, arbitration, and conciliation offer a faster, more cost-effective resolution (Rahman, 2021). ADR ensures that multiple suits can be settled in a single session, significantly alleviating the burden on courts and minimizing financial constraints for litigants (Ahmed, 2020).

One of the primary advantages of ADR is its ability to expedite dispute resolution while avoiding the complexities of the formal legal system. As parties control the process, including the selection of mediators and experts, they can ensure an efficient and effective resolution (Khan, 2019). Empirical data reveals that settlements through ADR result in higher financial realizations compared to traditional court proceedings. Between 1985 and 2000, total realizations from family suits in three courts amounted to Tk. 61,99,759.50, while mediation alone recovered Tk. 50,94,501 within just twelve months of its introduction (Rahman, 2021). This demonstrates ADR's cost-effectiveness and efficiency in case resolution.

Mediation, arbitration, and conciliation have proven to be highly successful in ensuring amicable settlements. Unlike litigation, ADR fosters a win-win outcome that preserves relationships rather than leading to adversarial legal battles (Hasan, 2022). Moreover, ADR ensures privacy, which is a fundamental right, and allows parties the liberty to withdraw a case from formal courts at any stage to opt for ADR instead (Ahmed, 2020). As a result, ADR has gained credibility among litigants and legal practitioners, with its settlements bearing the weight of judicial decrees (Khan, 2019).

Empirical studies support ADR's effectiveness in Bangladesh, with data indicating that settlements through mediation lead to higher financial recovery than court trials (Rahman, 2021). The informality and accessibility of ADR, especially through NGO-supported mediation initiatives, have allowed marginalized communities to seek justice efficiently (Hasan, 2022). This inclusivity ensures equitable access to dispute resolution, strengthening confidence in ADR as a viable alternative to litigation (Ahmed, 2020).

Barriers in the way of Access to Justice

There are several obstacles to achieving effective justice in Bangladesh, including:

Delay in Judicial Process
The phrase "justice delayed is justice denied" holds particularly true in Bangladesh, where court cases can take 12-15 years or more to be resolved. Delays in legal proceedings create social and human problems, as illustrated by cases where the final judgment is rendered irrelevant due to prolonged litigation (Law Commission of Bangladesh, n.d.).

Prohibitive Cost of Litigation
Equal justice is a cornerstone of any legal system, yet the high costs associated with litigation—such as court fees, lawyers' fees, and other incidental expenses—create disparities between the rich and the poor. This contradicts the principle of justice inscribed in the Magna Carta: “To no man will we deny, to no man will we delay, justice or right” (Henry II, 1215).

Procedural Complexities
The complex and lengthy legal procedures act as a major hindrance to justice. Justice Krishna Iyer of India has criticized the inefficiencies in the legal system, noting that unnecessary delays waste judicial time and resources (Iyer, n.d.).

Backlog of Cases
The judiciary in Bangladesh is burdened with an overwhelming backlog of cases, which slows down the adjudication process. Professor M. Shah Alam described this backlog as "eating Bangladesh judiciary," making it difficult for new cases to be resolved in a timely manner (Alam, n.d.).

Corruption in the Judiciary
Corruption is one of the primary reasons for the inefficiency of the judiciary, leading to a lack of public trust in the system (Bangladesh Legal Study Group, n.d.).

Inefficiency and Lack of Independence among Judges and Lawyers
An effective legal system requires honest, efficient, and independent judges and lawyers. If these legal professionals fail to uphold their duties, even well-crafted laws will not ensure justice (Bangladesh Legal Study Group, n.d.).

Additional Barriers
Other significant barriers include:

- Lawyers’ economic interest in prolonged litigation,
- Lack of legal aid,
- Absence of specialized courts for specific subject matters,
- Centralization of the judiciary,
- Lack of accountability and discipline in the litigation system,
- Absence of alternative mechanisms to full trials (Bangladesh Legal Study Group, n.d.).

Alternative Dispute Resolution (ADR) as a Solution
Many countries, including the USA, UK, India, Australia, and Germany, have adopted ADR to mitigate judicial inefficiencies (Institute for the Study and Development of Legal Systems, n.d.). Recognizing its potential, Bangladesh took initiatives to reform its legal system by incorporating ADR mechanisms.

Reforms in Bangladesh's Legal System

In 1996, Justice Mustafa Kamal initiated reforms in Bangladesh's legal system, collaborating with the Institute for the Study and Development of Legal Systems (ISDLS) in the USA. In January 2000, Judge Clifford Wallace's visit to Dhaka led to the formation of a five-member Bangladesh Legal Study Group (BLSG), which recommended introducing mediation in family courts. Based on this recommendation, a pilot project was launched, leading to the successful integration of mediation into various legal frameworks (Bangladesh Legal Study Group, 2000).

ADR Mechanisms in Bangladesh

ADR provides an alternative to court litigation and can be classified into two major forms:

Determinative ADR

This involves a third party (such as an arbitrator, adjudicator, or expert) making a binding decision on the dispute (Bangladesh Legal Study Group, n.d.).

Elective ADR

This method facilitates discussions and negotiations without binding judgments, helping parties to voluntarily reach settlements (Bangladesh Legal Study Group, n.d.).

Types of ADR in Bangladesh

ADR in Bangladesh is categorized into three main types:

- Formal/Judicial ADR – Court-referred ADR mechanisms, such as mediation in family courts.
- Quasi-Formal/Statutory ADR – ADR methods incorporated into specific statutes.
- Informal/Non-Formal ADR – Community-based mechanisms such as traditional Salish and village courts (Bangladesh Legal Study Group, n.d.).

Bangladesh's judiciary faces numerous challenges, including case backlog, corruption, procedural complexities, and prohibitive litigation costs. ADR offers a viable solution to these problems by providing a faster, cost-effective, and community-friendly approach to dispute resolution. The successful implementation of ADR in Bangladesh requires further institutional support, legal reforms, and increased public awareness to ensure widespread adoption and effectiveness.

Formal /Judicial ADR

This form of ADR indicates those processes of dispute resolution which have been enumerated in the statutes and conducted either by the court or by the third person upon the reference of the court. ADR processes in the formal ways are conducted by the following Statutes of Bangladesh.

The Code of Civil Procedure (Amendment) Act, 2003 introduced mediation and arbitration through Sections 89A and 89B. Mediation is available for all civil suits except those under the Artha Rin Adalat Ain 2003. Section 89A allows courts to mediate disputes at any stage after the filing of the written statement if all contesting parties agree. Courts may mediate themselves, refer disputes to pleaders, or appoint a mediator from a panel prepared by the district judge in consultation with the president of the District Bar Association (Code of Civil Procedure (Amendment) Act, 2003).

Mediation under Section 89A is described as a flexible, informal, non-binding, confidential, non-adversarial, and consensual process. The court has discretionary power to refer cases to mediation, unlike in the United States, where pre-trial mediation is mandatory. This voluntary nature has led to its limited practice due to a lack of motivation among judges, ignorance among parties, and reluctance from lawyers (The Code of Civil Procedure (Amendment) Act, 2003).

Section 89B allows parties to withdraw cases from the court and settle through arbitration under the Arbitration Act 2001. This provides parties with an alternative mechanism to resolve disputes outside the judicial system, thereby reducing court backlog and expediting justice (The Code of Civil Procedure (Amendment) Act, 2003).

Challenges in Implementing ADR

Despite its potential benefits, ADR in Bangladesh faces several challenges. One major obstacle is the voluntary nature of judicial mediation, which limits its effectiveness. The lack of awareness among litigants and reluctance among legal practitioners to engage in ADR further hinders its implementation. Additionally, the absence of a structured mechanism for monitoring and evaluating mediation outcomes reduces its reliability (The Code of Civil Procedure (Amendment) Act, 2003).

Another challenge is procedural uncertainty. The Code of Civil Procedure (Amendment) Act, 2003 provides that mediation procedures and mediator fees are determined by the parties and their pleaders rather than the court. However, when the court mediates directly, no fees are charged, and procedures are determined by the court. This lack of uniformity can create confusion and discourage participation (The Code of Civil Procedure (Amendment) Act, 2003).

Effectiveness of ADR Mechanisms

To ensure timely justice, a time-frame has been established for mediation proceedings. Within 10 days of reference to mediation, parties must inform the court whether they agree to mediation. The mediation must be completed within 60 days, with a possible 30-day extension upon joint application by the parties. The mediator must submit a report on the outcome, and if a settlement is reached, an agreement signed by the parties, pleaders, and mediator is submitted to the court for an order or decree. Court fees are refunded upon successful mediation, and no appeal or revision is permitted against the order (The Code of Civil Procedure (Amendment) Act, 2003).

If mediation fails, the case resumes from the pre-mediation stage. If a judge mediates unsuccessfully, the case is transferred to another competent court to avoid bias. Furthermore, failure in mediation does not preclude parties from pursuing settlement through withdrawal, adjustment, or compromise under Order 23 of the Code of Civil Procedure 1908 (The Code of Civil Procedure (Amendment) Act, 2003).

The success of mediation at the trial stage led to its introduction at the appellate stage through the Code of Civil Procedure (Amendment) Act, 2006. Section 89C applies the same mediation procedures at the appellate level, further promoting ADR as an effective dispute resolution method (The Code of Civil Procedure (Amendment) Act, 2006).

ADR, particularly mediation and arbitration, has been institutionalized in Bangladesh to enhance

access to justice. While its voluntary nature presents challenges, structured implementation and awareness campaigns can improve its effectiveness. The inclusion of ADR at both trial and appellate levels demonstrates the government's commitment to reducing court congestion and promoting alternative dispute resolution.

The Family Courts Ordinance, 1985

The Family Courts Ordinance 1985 introduced ADR mechanisms such as conciliation in family matters, including divorce, dower, maintenance, restitution of conjugal rights, and child custody. According to Section 10, courts must attempt conciliation before proceeding to trial. Furthermore, Section 13 mandates another attempt at conciliation before pronouncing judgment (Family Courts Ordinance, 1985).

However, these provisions remained largely unpracticed due to a lack of judicial motivation and adherence to the adversarial system. A pilot project in 2000 in the Family Courts of Dhaka demonstrated the success of ADR in family disputes, leading to its expansion nationwide (Family Courts Ordinance, 1985). The process benefits women, allowing them to voice grievances in a confidential setting.

ADR in Commercial Disputes

The Artha Rin Adalat Ain 2003 incorporates two ADR mechanisms—Settlement Conference and Arbitration. Section 21 defines the Settlement Conference as an informal, non-binding, and confidential method presided over by the judge. Section 22 mandates that courts must refer cases to arbitration if parties agree (Artha Rin Adalat Ain, 2003). These provisions contribute to improving investment by facilitating quick dispute resolution.

Quasi-Formal ADR Mechanisms

Quasi-formal ADR is conducted by non-judicial bodies but regulated by statutes. Examples include:

- **The Muslim Family Laws Ordinance, 1961**: Mandates arbitration councils for reconciliation in divorce proceedings. Talaq is ineffective until 90 days after notification to the chairman, ensuring attempts at reconciliation (Muslim Family Laws Ordinance, 1961).

- **The Conciliation of Dispute (Municipal Areas) Board Act, 2004**: Establishes municipal boards for dispute resolution without applying CPC, CrPC, or the Evidence Act, ensuring an informal conciliation process (Conciliation of Dispute (Municipal Areas) Board Act, 2004).

- **The Arbitration Act, 2001**: Governs both domestic and foreign arbitration agreements, ensuring mandatory arbitration for applicable disputes (Arbitration Act, 2001).

- **The Village Court Act, 2006**: Provides dispute resolution at the local level through a five-member village court, bypassing formal legal procedures (Village Court Act, 2006).

- **The Labour Code, 2006**: Sections 210(1)–(19) outline mediation, conciliation, and arbitration in labor disputes (Labour Code, 2006).

ADR in Criminal Justice System

Bangladesh's criminal justice system has not fully embraced ADR. However, Section 345 of the Code of Criminal Procedure, 1898 lists compoundable petty offenses that can be resolved through ADR (CrPC, 1898). NGOs such as Bangladesh Legal Aid and Services Trust (BLAST) and Ain o Salish Kendra (ASK) also facilitate informal ADR in criminal matters at the community level.

Informal ADR Mechanisms

Several NGOs, including the Madaripur Legal Aid Association (MLAA) and Banchte Shekha (BS), play a crucial role in resolving disputes through informal ADR mechanisms at the community level. These efforts are particularly significant for marginalized groups who may face barriers in accessing formal legal systems.

Other Legislative Provisions Supporting ADR

Additional statutes that incorporate ADR provisions include:

- **Section 28 of The Contract Act, 1872** (Contract Act, 1872).
- **Section 21 of The Specific Relief Act, 1877** (Specific Relief Act, 1877).
- **Section 76 of The Bank Companies Act, 1991** (Bank Companies Act, 1991).
- **Section 6 of The Parbatto Chattagran Birod Nispoti Commission Ain, 2001** (Parbatto Chattagran Birod Nispoti Commission Ain, 2001).

The integration of ADR into various legal frameworks has significantly enhanced access to justice in Bangladesh. By resolving disputes efficiently and affordably, ADR provides a viable alternative to traditional litigation, benefiting both individuals and businesses. Expanding its implementation, especially in criminal justice, could further improve the justice system's effectiveness.

The Role of ADR in Ensuring Access to Justice

The incorporation of ADR in various legal frameworks in Bangladesh has significantly contributed to the resolution of disputes efficiently. Court-annexed ADR mechanisms, introduced in 2000, have provided an alternative avenue for litigants to settle their disputes amicably. The success of ADR can be observed through its impact in different courts and legal provisions:

1. **Family Courts**: Since the activation of ADR in family courts, the average rate of substantive disposal through mediation has increased to **60%**, significantly reducing contested decrees (Hossain, 2018).

2. **Pilot Project in 13 Districts**: From 2000 to 2004, a total of **2,418 cases** were disposed of through mediation, realizing an amount of **Tk. 77,770,455** (Chowdhury, 2017).

3. **Civil Procedure Code (C.P.C.) Section 89A**: From July 2003 to June 2006, **12,402 cases** were resolved through mediation under this provision (Islam, 2019).

4. **Artha Rin Adalat Ain**: Between May 2003 and February 2006, ADR facilitated the resolution of **24,945 cases** across the country (Khan, 2021).

These statistics illustrate the effectiveness of ADR in alleviating the burden on the judiciary and ensuring timely justice for disputants.

Challenges Hindering the Effectiveness of ADR

Despite its potential, ADR in Bangladesh faces several challenges that hinder its full effectiveness:

1. **Lack of Awareness and Knowledge**: Many individuals, especially in rural areas, remain unaware of ADR processes (Rahman, 2010).

2. **Limited Role of Legal Professionals**: Many lawyers perceive ADR as a threat to their practice and do not actively promote its use (Ahmed, 2015).

3. **Absence of Institutional Framework**: A dedicated institutional framework for ADR implementation is lacking.

4. **Inadequate Training for Judges and Lawyers**: Mediation requires specialized training, which is currently insufficient.

5. **Negative Perception Among Lawyers**: Lawyers often discourage clients from opting for ADR due to financial interests.

6. **Non-application in Older Cases**: Section 89A of the C.P.C. does not apply to old cases, limiting its scope.

7. **Limited Scope in Criminal Cases**: Certain petty offenses are not included in the compounding provisions of the Cr.P.C.

8. **Absence of a Separate ADR Legislation**: A unified legal framework for ADR is yet to be developed.

9. **Deep-rooted Faith in Traditional Systems**: Many communities still rely on traditional dispute resolution mechanisms.

10. **Corruption and Political Influence**: Community-based ADR is often weakened by corruption, local politics, and illiteracy (Hossain, 2018).

Recommendations for an Effective ADR System

To overcome these challenges and enhance the effectiveness of ADR in ensuring access to justice, the following measures should be taken:

1. **Awareness Campaigns**: Government ministries, NGOs, media, and civil society should promote ADR mechanisms.

2. **Judicial Support**: Both civil and criminal courts should actively endorse ADR.

3. **Institutional Framework**: A separate ADR institution should be established and properly equipped.

4. **Training and Specialization**: Trained mediators should be appointed exclusively for ADR services.

5. **Legislative Reforms**: A separate ADR code should be enacted for effective implementation.

6. **Mediation Courts**: Establishment of dedicated mediation courts for civil and criminal cases.

7. **Pre-Trial Mediation in Civil Cases**: The family court pre-trial hearing model should be extended to all civil suits.

8. **Amendment of Artha Rin Adalat Ain 2003**: The limitation under Section 23 should be removed.

9. **Changing Attitude of Legal Professionals**: Lawyers and judges should be trained to encourage ADR.

10. **Legal Aid for the Poor**: The Aingoto Sohayota Prodan Ain 2000 should be amended to provide better legal aid.

11. **Statutory Body for ADR Oversight**: A regulatory body should be established to formulate and monitor ADR policies.

12. **Regulation of Mediation Fees**: The fees for mediators, arbitrators, and conciliators should be statutorily determined.

13. **Review of Section 345 of Cr.P.C. 1898**: The list of compounding offenses should be expanded.

14. **ADR in General Register (G.R.) Cases**: ADR should be applied beyond current limitations to include G.R. cases.

15. **Local-Level Mediation Courts**: Mediation courts should be established in every Upazila/Thana.

Conclusion

ADR has played a transformative role in improving access to justice in Bangladesh by offering a viable alternative to traditional litigation. While the introduction of ADR in various legal provisions has brought significant success, several challenges need to be addressed to maximize its effectiveness. Ensuring a strong institutional framework, increasing awareness, and providing adequate training for legal professionals will further enhance ADR's contribution to justice delivery. If properly implemented, ADR has the potential to revolutionize Bangladesh's judicial landscape by making justice more accessible, affordable, and efficient.

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