



EFFECTIVE IMPLEMENTATION OF ADR IN THE CIVIL JUSTICE SYSTEM OF BANGLADESH: A CRITICAL ANALYSIS

Md. Ala Uddin*

ABSTRACT

Alternative Dispute Resolution (ADR) has long played a significant role in the legal system of Bangladesh, particularly in the Civil Justice System. Before 2012, there was no mandatory provision regarding the settlement of disputes through mediation in the Code of Civil Procedure, 1908 (CPC). Mediation was an optional process to conduct civil proceedings under the Code of Civil Procedure (Amendment) Act, 2003. Since 2012, mediation has been mandatory in all civil suits and appeals. The main objectives behind this were to reduce the backlog of civil suits, relieve the pressure on the subordinate courts and ensure access to justice for everyone in an amicable manner. However, the outcomes of this amendment have yet to meet the ADR goals. Currently, it is quite apparent that the subordinate courts of Bangladesh are overloaded with millions of pending civil suits and criminal cases. At the same time, ADR has not yet been well developed in the criminal justice system of Bangladesh. Alternative Dispute Resolution is thus the finest option available in our country for achieving justice for everybody. There are several shortcomings in the ADR mechanism of Bangladesh, such as CPC does not provide any specific guidelines for the mediators, though mediation has been made compulsory in it. This paper examines some notable legal constraints on the way to ensure the effective implementation of ADR and offers some observations on ensuring access to justice for all population groups in Bangladesh.

* **Md. Ala Uddin**, LL.M and LL.B (International Islamic University Chittagong), is a Lecturer, Department of Law, Cox's Bazar International University, Chattogram, Bangladesh.