Sonargaon University (SU)

Research Monograph

On

Effective Implementation of ADR in the Civil Justice System of Bangladesh: A Critical Analysis.

Research Monograph Submitted for the partial fulfillment of the award of the degree in LL.B. (Hon's)

Department of Law

Sonargaon University (SU)

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Letter of Transmittal

To

Sharmin Jahan Runa
Assistant Professor
Department of Law
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Subject: Submission of Research Monograph on "**Effective Implementation of ADR in the Civil Justice System of Bangladesh: A Critical Analysis."**

Dear Sir,

This is a great pleasure to submit the Research Monograph on **"Effective Implementation of ADR in the Civil Justice System of Bangladesh: A Critical Analysis."** as a partial requirement for the fulfillment of my LLB course under the Department of Law of the Sonargaon University (SU).

I have given due efforts to make this Research Monograph as fruitful one and to make it as informative as possible. I hope that this paper will not be the formality of academic course completion rather it will be a source of information for other purpose on this topic.

Yours sincerely

.....
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Declaration

I do hereby declare that the Research Monograph Title **"Effective Implementation of ADR in the Civil Justice System of Bangladesh: A Critical Analysis."** prepared solely by me and which has been submitted to the department of Law, Sonargaon University (SU) for achieving the LL.B (Hon's) Degree. This is an original work of nine. No part of this research, in any way of or in from, has been submitted to any University or Institution for any Degree, Diploma or for other similar purposes.

.....

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Supervisor Certificate

This is to certify that the work presented in this dissertation is based on the work, carried out by the author herself under my supervision in Department of Law, Sonargaon University (SU).

It is also certifying that the work presented here is original and suitable for submission as the style and contents, for fulfillment of LLB program.

.....

Sharmin Jahan Runa
Assistant Professor
Department of Law
Sonargaon University (SU)

Acknowledgement

In the name of Allah, the Beneficent, the Merciful".

Praise by Allah & thanks to Allah for patronizing me to finish this Research Monograph. I am very happy to finish it. It is a great Research of my life. It is a long cherished hope of my life to become a great lawyer. That's why I have admitted in the Department of Law in Sonargaon University (SU) to fulfill my dream. But through my whole study life in this field, I did not get much more opportunities to examine and show my knowledge and skill in this wide field. Lastly I have got a great chance to make my study meaningful when I got the chance to prepare a Research Monograph on **Effective Implementation of ADR in the Civil Justice System of Bangladesh: A Critical Analysis.**

I acknowledge my grateful to respected course teacher **Sharmin Jahan Runa,** Assistant Professor, for instructing me how to prepare a Research Monograph and his famous Books lectures on this subject help me to complete my task sincerely.

I am also thankful to my classmate as they help me to complete the Research Monograph. I am extremely paying my solitude to all the authors and writers whose works help me to draft this original Research Monograph.

We are indeed thanks to everyone who inspired us to write this Research Monograph.

Thank you

Md. Fardos

Abstract

This paper discusses the emergence of implication and practice of Alternative Dispute Resolution (ADR) for implementing civil justice and to remove suit backlogs in the disputes resolution system of Bangladesh. Bangladesh has rich traditions of common law culture and it reflects in the existing legal system. But due to recent trends of corruption, political deadlocks and some other key obstacles the present mechanism is supposed to unable in resolving a dispute in swift and has been depriving people from the way of implementing and maintaining civil justice. There has seen some objective and subjective factors have led our civil judiciary to a situation where its demerits are ruling over the merits, manifesting in crippling backlogs and delays. This paper highlights on the role of ADR in implementing civil justice, problems and prospects, and statutory provisions of Alternative Dispute Resolution in the trial system. This Article has explored theoretical concerns underlying contemporary appeals to Alternative Dispute Resolution (ADR) in the civil justice system of Bangladesh.

Table of Contents

Chapters	Title	Page No.
	Letter of Transmittal	i
	Declaration	ii
	Supervisor Certificate	iii
	Acknowledgement	iv
	Abstract	v
Chapter One	**Introductory**	
1.1	Introduction	02
1.2	Objective of the Study	03
1.3	Importance of the Study	03
1.4	Research Methodology	04
1.5	Limitation of the Study	04
1.6	Summary of the Chapters	05
Chapter Two	**Historical Background & Development of ADR**	
2.1	ADR in Ancient Regime Justice System	07
2.2	ADR in Modern Regime Justice System	08
2.3	The Association for International Arbitration (AIA)	09
2.4	Development of ADR in British Period	10
2.5	Development of ADR in Pakistan Period	10
2.6	Development of ADR in Bangladesh	11
Chapter Three	**Conceptual Framework of ADR Mechanism & Civil Justice System**	
3.1	Meaning of ADR Mechanism	12
3.2	Features of ADR Mechanism	13
3.3	Categories of ADR Mechanism	14-15
3.4	Advantage & Disadvantage of ADR Mechanism	16
3.5	Meaning of Civil Justice System	17
3.6	Meaning of Suits of Civil Nature in Bangladesh	18
Chapter Four	**Legal Framework of ADR in Bangladesh**	
4.1	The Code of Civil Procedure, 1908 (as amendment	

	2012) 19	
4.2	The Muslim Family Law Ordinance, 1961	19
4.3	The Custom Act, 1969	20
4.4	The Income Tax Ordinance, 1984	20
4.5	The Family Court Ordinance, 1985	20
4.6	The Value Added Tax Act, 1991	21
4.7	The Arbitration Act, 2001	21
4.8	The Money Loan Court Act, 2003	21
4.9	The Conciliation of Dispute (Municipal Area) Act, 2004	21
4.10	The Labor Law, 2006	22
4.11	The Village Court Act, 2006	22
Chapter Five	**ADR as an Effective Way to Reduce the Case Backlog in Bangladesh**	
5.1	Statistics of Current Case Backlog in Bangladesh	23-24
5.2	Causes of Case Backlog in Bangladesh	25
5.3	Way to Develop ADR for Reducing Case Backlog in Bangladesh	26-27
5.4	Special Measures to Develop ADR for Reducing Case Backlog	28
Chapter Six	**Finding, Recommendation and Conclusion**	
6.1	Findings	35
6.2	Recommendations	35
6.3	Conclusion	36
	Bibliography	

List of Abbreviations

ADR	:	Alternative Dispute Resolution
AIA	:	Association for International Arbitration
BIAC	:	Bangladesh International Arbitration Centre
CCB	:	Children's Charity Bangladesh
CEO	:	Chief Executive Officer
CJ	:	Chief Justice
CPC	:	Code of Civil Procedure
ENE	:	Early Neutral Evaluation
ISDLS	:	Institute for the Study and Development of Legal Systems
JATI	:	Judicial Administration Training Institute
MP	:	Member of Parliament
NGO	:	Non-Government Organization
NOC	:	No Objection Certificate
ADUST	:	Atish Dipankar University of Science & Technology
SC	:	Supreme Court
SJT	:	Summary Jury Trial
TIB	:	Transparency International Bangladesh
UK	:	United Kingdom
UN	:	United Nations
UNDP	:	United Nations Development Program
USA	:	United States of America

List of Cases

PN Duda vs. P.Shiv Shankar and Others [1988 (3) SC 167 4]