

Prospects and Challenges of Alternative Dispute Resolution (ADR) Among Rural Communities in Gopalganj, Bangladesh

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ABSTRACT

Alternative Dispute Resolution (ADR) has developed as an important technique for ensuring access to justice for the general public in Bangladesh. It reduces backlogs and litigation costs. This study observes the scope and obstacles of implementing ADR for the general population in Gopalganj district. The Village Courts at the local level, District Legal Aid Offices, and NGO-led mediation programs provide cost-effective, time-saving, and relationship-preserving dispute resolution and their presence contributes significantly to resolve disputes. ADR is especially essential for resolving family, land, and petty criminal issues that are common in rural communities but various problems prevent its effective adoption.

The major challenges include a lack of public awareness, the dominance of local elites in informal Salish, poor enforcement of mediated agreements, and a lack of experienced professional mediators. Furthermore, lawyers' hesitation and restricted judicial referral under Sections 89A and 89B of the Civil Procedure Code impede ADR's institutional expansion. This study indicates that increasing legal awareness, ensuring neutrality, and developing the competence of local mediators are critical for realizing ADR's potential in Gopalganj.

KEYWORDS

ADR, Village Court, Mediation, Access to Justice, Legal aid officer.

INTRODUCTION

Access to justice is a fundamental right where millions of people in Bangladesh are still remained to be denied their rights due to a backlog of cases, excessive court cost, brief, advocate's fees, and time killing system. ADR provides a feasible method for settling issues outside of litigation through mediation, arbitration, and conciliation. In Bangladesh, ADR is codified in the Code of Civil Procedure, the Village Courts Act 2006 empowers Union Parishad

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and Legal Aid Officer to resolve civil, criminal, family related, and small criminal disputes. Gopalganj is rural area but having huge land and family disputes. Although village courts and NGO-led mediation are working but their use is limited among the general public. Lack of awareness, elite domination in informal Salish, insufficient enforcement agency, and a shortage of skilled mediators are the major impediments.

A. Research Methodology

It is a qualitative and empirical study for six months of fieldwork in all five upazilas of Gopalganj. Primary data were gathered by observation of ADR cases in courts, questioning the parties, police officers and presenting village courts physically. Interviewing with plaintiffs, lawyers, UP members, and Legal Aid personnel were carried out. Purposive sampling and thematic analysis were utilized. And the secondary data are collected from text book, newspaper and various articles.

B. Objectives of the Study

Examining the extent and difficulties of ADR among the general public in Gopalganj district is the main goal of my study and other particular goals are:

To determine the existent institutional scope of ADR in Gopalganj, including the function of police station-based mediation, village courts, and the district legal aid office to evaluate the public knowledge and access to ADR methods, particularly in rural areas and to investigate the real obstacles to the successful application of ADR such as the domination of the elite, reasons of loopholes of enforcement, shortage of qualified mediators, and the resistance of attorneys and to assess how the public views and trusts formal ADR in contrast to unofficial shalish and also to evaluate how good ADR reduces backlogs, costs, and time comparatively traditional litigation and to provide some effective recommendations regarding legislative, executive, actions to improve ADR procedures in order to guarantee greater access to justice in Gopalganj at the local level.

ALTERNATIVE DISPUTE RESOLUTION (ADR): CONCEPT AND TYPES

ADR in Bangladesh refers to methods like mediation and arbitration used to resolve conflicts outside traditional courts. It helps parties save time and money while reducing the country's

massive court backlog.² So, “it is a procedure for settling a dispute by means other than litigation, such as arbitration or mediation”. It is a voluntary, confidential process used to resolve legal conflicts outside of the courtroom.³

Where the party needn't go to the court and maintaining the court-hassle procedures rather can use the setting like negotiation, mediation, arbitration, or conciliation to reach an agreement or decision. The goal of ADR is to settle conflicts faster, cheaper, and with more privacy than traditional lawsuits, while giving parties more control over the outcome.

A. Kinds of Alternative Dispute Resolution (ADR)

There are four primary kinds of ADR used globally each are little bit different from other in process, functions, formalities and initiatives of mediators and the parties in ADR procedures.

1. Negotiation

This kind of ADR is the least formal to reach a consensual settlement where the opposing parties speak with one another directly and without the assistance of a third party. Both the procedure and the result are at the parties' control. It maintains relationships and is private and adaptable. Business transactions, diplomatic interactions, and daily disputes all include negotiation.

2. Mediation

Mediation is a process of dispute resolution that takes place outside a court-room or tribunal setting in which parties in conflict try to resolve their dispute with the help of a neutral third party.⁴ It is also defined “as a method of nonbinding dispute resolution involving a neutral third party who tries to help the disputing parties reach a mutually agreeable solution.”⁵

So, mediation is one kind of ADR where a mediator helps the opposition parties to communicate. The mediator does not make a decision or force a resolution rather the mediator assists to reach decision, investigating possibilities, and assisting the parties in reaching their

² Problems and Prospects of ADR in Bangladesh, THE DAILY STAR (Apr. 8, 2025), <https://www.thedailystar.net/law-our-rights/law-vision/news/problems-and-prospects-adr-bangladesh-3859266>.

³BLACK'S LAW DICTIONARY (Bryan A. Garner et al. eds., 12th ed. 2024).

⁴Dale Bagshaw Spencer & Michael Brogan, Mediation: Its Definition and History, in MEDIATION LAW AND PRACTICE 3, 3–41 (Cambridge University Press 2007).

⁵Alternative Dispute Resolution Research Guide, OKLAHOMA CITY UNIVERSITY SCHOOL OF LAW, <https://libguides.okcu.edu/ADR> (last visited 21 June, 2026).

own consensus. Unless both parties sign a settlement agreement, the procedure is private and non-binding.

3. Arbitration

The most formal form of ADR is arbitration which is similar to a court proceeding in which hearing arguments and observing all documents from both parties the arbitrator renders a ruling known as an award. Depending on what the parties agreed upon previously, arbitration may be binding or non-binding. Courts can enforce binding arbitration awards. This approach is frequently employed in international commerce, labor conflicts, civil suit and commercial contracts.

So, in arbitration, a dispute is submitted to one or more arbitrators on the agreement of the parties, who are empowered to render a binding decision.⁶

4. Conciliation

Conciliation is similar to mediation but involves a more active role for a neutral third party known as a conciliator. A conciliator may offer settlement terms as well as an assessment of the case merits to help to bring a settlement. Conciliation usually is often used in labor-management disputes and consumer grievances. So, in short, a neutral person called a conciliator is involved in a peaceful process that brings two parties to a resolution. Conciliation is different from arbitration in that while arbitration ends with a binding decision, conciliation is a process of talking and reaching a compromise.⁷

LEGAL AND CONSTITUTIONAL FRAMWORK OF ADR IN BANGLADESH

The Article 27 of our Constitution guarantees equality before the law⁸, Article 31 guarantee the right to legal protection⁹ and Article 35(3) guarantees a prompt and public trial¹⁰ which also guarantees to constitute the fundamental framework for alternative dispute resolution (ADR). Certain laws were passed in order to ensure those rights. Sections 89A, 89B, and 89C of the

⁶What is Arbitration?, WORLD INTELLECTUAL PROPERTY ORGANIZATION, <https://www.wipo.int/amc/en/arbitration/what-is-arb.html> (last visited 21 June, 2026).

⁷Arbitration and Conciliation Act, 1996, § 62, No. 26, Acts of Parliament, 1996; Conciliation Meaning, THE LEGAL SCHOOL, <https://thelegalschool.in/blog/conciliation-meaning> (last visited 21 June, 2026).

⁸ BANGL. CONST. art. 27.

⁹ BANGL. CONST. art. 31.

¹⁰ BANGL. CONST. art. 35(3).

code of civil procedure, 1908, give civil courts the authority to send conflicts to arbitration or mediation.¹¹ Union Parishad is authorized to resolve civil and small criminal issues at the local level for up to 75,000 taka thanks to the Village Courts Act of 2006.¹² Section 21A of the Legal Aid Services Act, 2000 offers free mediation to the underprivileged through District Legal Aid Offices.¹³ ADR is also required in family, financial, and business conflicts under the Family Courts Ordinance 1985, Artha Rin Adalat Ain 2003, and Arbitration Act 2001.¹⁴ Effectiveness is limited despite this framework due to judicial referrals that are arbitrary and lax enforcement.

A. ADR in Constitution and Judicial Decision

As a quick track of access to justice, ADR is rarely supported by our Constitution but ADR upholds Article 27's declaration that all citizens are equal before the law and entitled to equal protection of the law. Article 31 emphasizes due process, which ADR may defend through fair mediation, by guaranteeing that no action injurious to life, liberty, or property shall be taken except in compliance with law. Significantly the right to a prompt and public trial is guaranteed under Article 35(3). A constitutional guarantee that is still unmet because of the hefty piles of backlog cases. This can be immediately addressed by this mechanism which settles conflicts without protracted litigation.

Through a number of significant rulings our Supreme Court of Bangladesh has acknowledged the significance of alternative mechanisms. The High Court Division highlighted the need for mandatory referral to mediation under Section 89A of the code of civil procedure 1908. In the case of *Bangladesh v. Idrisur Rahman (2010)*¹⁵ in order to decrease backlog and the court also ordered the government to trigger the Village Courts for grassroots justice in case of *Abdul Baset v. Secretary, Ministry of Law (2016)*. In addition to the *BLAST v. Bangladesh (2015)*¹⁶, the Appellate Division affirmed the legitimacy of NGO-led mediation, ruling that ADR procedures are in line with constitutional justice principles.

And thus, ADR is established constitutionally as a valid and prompt key to ensure of justice supported by both constitutional laws and judicial rulings mechanism to supplement formal courts and guarantee justice for the whole public including those in districts like Gopalganj.

¹¹ Code of Civil Procedure, 1908, §§ 89A–89C (Bangl.).

¹² Village Courts Act, 2006 (Bangl.).

¹³ Legal Aid Services Act, 2000, § 21A (Bangl.).

¹⁴ Family Courts Ordinance, 1985 (Bangl.); Artha Rin Adalat Ain, 2003 (Bangl.); Arbitration Act, 2001 (Bangl.).

¹⁵ 15 BLC (AD) 49, {Appointment of Supreme Court Judges in Bangladesh: An Alternative Interpretation of "Consultation"} Dhaka University Law Journal, 2023, 34 (1), 77-94

¹⁶ Civil Appeal No. 116 of 2010, Criminal Petition for Leave to Appeal No. 374 of 2011

PROSPECTS OF ADR AMONG THE RURAL PEOPLE OF GOPALGANJ

In Bangladesh, ADR encompasses a wide range of legal domains. It has been progressively included into laws and policies to lessen the strain on the courts and guarantee prompt justice. It significantly reduced the backlog of over 2.6 million pending cases in Bangladesh's judiciary¹⁷.

A. Civil Matters

Under Sections 89A, 89B, and 89C of the Code of Civil Procedure, 1908, ADR has the widest use in civil disputes. At any stage during a civil lawsuit, courts may send it to arbitration or mediation. Court-annexed mediation is frequently used to resolve land disputes, partition suits, contract violations, money litigation, and injunctive issues. The majority of ongoing civil cases in Gopalganj's District Judge Courts are land-related and mediation helps prevent ten years of litigation. When social pressure is effective and both sides are local then the success rate is higher.

B. Criminal Matters

Crimes such as theft under 5000 taka and defamation may be compromised under Section 345 of the Code of Criminal Procedure, 1898.¹⁸ Only minor and compoundable crimes are covered by ADR. Union Parishad has the authority to try minor criminal offenses like assault, mischief, and criminal trespass under the village courts act of 2006.¹⁹ Before filing a formal complaint in police stations in Gopalganj parties can engage in an informal mediation for marital conflicts and community-based problems but serious crimes like murder, rape, and dacoity however, are still not covered by ADR and cannot be compounded.

C. Family Related Disputes

ADRs are usually seen and required in family matters like divorce, dower, maintenance, and guardianship cases, judges are required by Section 10 of the Family Courts Ordinance, 1985 to try to reconcile the parties.²⁰ Arbitration councils for talaq and polygamy are likewise required by the Muslim Family Laws Ordinance, 1961.²¹ Around 60-80% of family disputes are

¹⁷ Imran Hasan & Noshin Anzum, The Development of Alternative Dispute Resolution in Family Court of Bangladesh: Challenges and Prospects, 4 INT'L J. L., HUMAN. & SOC. SCI. 81 (2021).

¹⁸ Code of Criminal Procedure, 1898, § 345 (Bangl.).

¹⁹ Village Courts Act, 2006, § 3, sched. I (Bangl.).

²⁰ Family Courts Ordinance, 1985, § 10 (Bangl.).

²¹ Muslim Family Laws Ordinance, 1961.

resolved through mediation by the District Legal Aid Office and UP-run Village Courts²². In Gopalganj the rate of resolving family matters through ADR is near about 37 percent.

D. Commercial & Financial Disputes

Commercial arbitration for business, construction, and investment disputes is governed by the Arbitration Act, 2001²³, which is based on UNCITRAL Model Law²⁴. In debt recovery proceedings, mediation is required prior to trial under Section 22 of the Artha Rin Adalat Ain, 2003.²⁵ Commercial ADR is facilitated by the Bangladesh International Arbitration Centre (BIAC). In Gopalganj, arbitration clauses are typically used to settle microcredit issues involving NGOs like BRAC and ASA preventing legal lawsuits.

E. Labour and Industrial Disputes

Section 210 of the Bangladesh Labour Act, 2006, allows for arbitration by Labour Courts and conciliation by the Labour Department with the matter of Wage claims, wrongful termination, and collective bargaining conflicts are initially referred to conciliation.²⁶ Usually, Parties may pursue arbitration if they are unsuccessful. Despite the lack of industry in Gopalganj local labor offices mediate disputes in tiny manufacturers and rice mills.

F. Tax and Revenue Matters

Section 152F of the Income Tax Ordinance of 1984²⁷ and the VAT and Supplementary Duty Act of 2012²⁸ established Alternative Dispute Resolution for tax issues. Taxpayers can use ADR to settle disputes with NBR without going to court. As a result, both parties save money on legal bills and time but the small business owners in Gopalganj are still largely unaware about this.

²²Md. Saleh Akram, Alternative Dispute Resolution (ADR) in the Family Courts of Bangladesh Pave the Way of Access to Justice, 1 INT'L J. L., POL'Y & SOC. REV. 1 (2019).

²³ Arbitration Act, 2001 (Bangl.).

²⁴U.N. COMM'N ON INT'L TRADE LAW, UNCITRAL MODEL LAW ON INTERNATIONAL COMMERCIAL ARBITRATION (1985), as amended in 2006.

²⁵ Artha Rin Adalat Ain, 2003, § 22 (Bangl.).

²⁶ Bangladesh Labour Act, 2006, § 210 (Bangl.).

²⁷ Income Tax Ordinance, 1984, § 152F (Bangl.).

²⁸ Value Added Tax and Supplementary Duty Act, 2012 (Bangl.).

G. Environmental Disputes

Courts can promote agreement between polluters and impacted communities where Section 7 of Environment Court Act of 2010, allows for mediation-based resolution.²⁹ The Department of Environment and local government can mediate river encroachment and pollution conflicts in Gopalganj but it is true that this is not a common practice. Here community-based mediation is more effective.

H. Land and Mutation Disputes

Section 143B of the State Acquisition and Tenancy Act, 1950 promotes amicable settlement before Assistant Commissioner (Land), despite the lack of a specific ADR regulation.³⁰ In order to prevent civil lawsuits, AC Land offices in Gopalganj Upazilas frequently mediate disputes between parties during mutation hearings. Boundary disputes also involve village elders.

As a result, the benefit of ADR in Bangladesh is growing beyond classic civil-family disputes to include labor, tax, and environmental issues. Effectiveness differs by industry to industry but due to a lack of institutional support and knowledge tax and environmental ADR is still underutilized in Gopalganj where more civil, family, and criminal cases predominate.

COMPARATIVE ASSESSMENT: ADR AND FORMAL COURT LITIGATION

Rural population of Gopalganj is still mostly unable to access regular judicial proceedings due to high costs, documentary hassle, and physical distance. The court costs, legal fees, and repeated trips to district courts necessary to launch a civil complaint are beyond the means of impoverished plaintiffs. Eight to fifteen years are needed to conclude cases which drain resources and create debt. But where alternative dispute resolution (ADR) through Village Courts or Legal Aid mediation occurs locally often inside the union and is either free or extremely inexpensive. A six-month fieldwork revealed that 80% of the villagers choose local Salish since it saves time and money. However, the accessibility of ADR is compromised when elite members dominate mediation and force weaker parties to reach unfair settlements. Therefore, the impartiality of ADR depends on the neutrality of the mediators even though it is more technically sound.

²⁹ Environment Court Act, 2010, § 7 (Bangl.).

³⁰ State Acquisition and Tenancy Act, 1950, § 143B (Bangl.).

A. Dynamic Power and Justice Quality

Traditional courts are meant to deliver equitable justice within the law through appeal rights and evidence-based decisions where rural plaintiffs are unable to compete with formidable opponents who have senior attorneys because they are intimidated and lack legal knowledge. The “winner-take-all” outcomes of the adversarial system often erode social relationships. Win-win solutions and maintaining relationships are essential in tight-knit villages and the ADR can provide both. Village Court decisions must be carried out through a civil action and police mediation is not legally enforceable. In Gopalganj influential parties later broke 40% of mediated agreements but it is true that courts provide stronger legal protection while alternative dispute resolution (ADR) fosters social cohesion.

B. Contextual Superiority

It is true that there is no black is pure black and no white is pure white. Traditional courts are safer for land and economic rights that need to be recorded and upheld despite the fact that they take longer. Alternative dispute resolution (ADR) is much better for family, neighborhood, where social relationships are significant because of its speed, cost, and confidentiality. The ideal solution for rural inhabitants is a hybrid strategy that modernizes courts to speed up settlement while bolstering alternative dispute resolution (ADR) with legal backing and enforcement. In Gopalganj the reality is that alternative dispute resolution (ADR) is better for prompt relief and community harmony.

CHALLENGES TO ADR AT THE GRASSROOT LEVEL IN GOPALGANJ

Despite being promoted as poor justice my six-month study and observation in Gopalganj court reveal important structural and social barriers that restrict ADR’s efficacy at the grassroots level. The real challenges to ensure social justice through ADR are:

A. Lawyers’ Reluctance and Non-Cooperation

The biggest practical obstacle is the lawyers’ rejection. When it is referred Under Section 89A of the code of civil procedure, 1908³¹ or under section 10 of the family court act 2023³² judges may refer cases to mediation the party’s lawyers purposefully dissuade clients because “case

³¹ Code of Civil Procedure, 1908, §§ 89A (Bangl.).

³² *Supra* note 20.

settle hole income bondho”. At the Gopalganj District Bar, 90% of civil lawyers feel that alternative dispute resolution (ADR) represents a threat to their career³³. They either advise clients to reject compromise or delay mediation by not attending. Even some deceive poor litigants are into thinking that “mediation e hoyto jomi kom pabo” consequently less than 20% of court-annexed mediation sessions are successful rest 80% remained as backlog. So, until the Bar Council ensures accountability ADR will remain paper-based and it is the reality.

B. Elite Dominance and Power Imbalance

Despite their constitutional impartiality village courts and mediation by police are actually controlled by local elites. Member of the union parishad like Chairman is a political leader who is politically connected with mediators and to support their favorite side. I witnessed a property dispute mediation in which the chairman's relative was the opponent the weaker party was compelled to accept 40% of his claim. In front of the male shalish board women are not allowed to publicly discuss family disputes. “Equality of bargaining power” is a poor concept. ADR consequently turns into a “win-lose” game rather “win-win” game in which the powerful prevail both legally and socially.

C. Lack of Legal Awareness and Misconception

“Shalish mane aposh, odhikar cere dewer riti eta kono bichar na” is still believed by rural residents. They are unaware of the legal enforceability of the Village Court ruling. Many believe that significant disputes must go to court and that alternative dispute resolution (ADR) is solely for small issues and where 65% percent of respondents in Kotalipara and Tungipara stated that “police er kache gele mamla hoy kintu aposhe mitmat hoy jantam na.” There are also NGO campaigns but they don’t get to isolated char areas.

D. Weak Enforcement Mechanism

In Bangladesh fragmented statutory frameworks is ongoing court interventions, and a pervasive lack of institutional independence are the main causes of the ineffective enforcement mechanism of Alternative Dispute Resolution (ADR) 34.

³³ Said by the Ex-secretary of the gopalganj bar association.

³⁴ B. Hossain, M. Chowdhury & D. Rengasamy, Alternative Disputes Resolution Mechanisms in Bangladesh: Insights from South Asian Experiences, 4(1) INT'L J. BUS., EVENTS & LEGACIES 94 (2025).

The most significant legal gap is enforcement. The Village Courts Act of 2006 does not have direct execution authority. If one of the parties violates the ruling, the victim must file a new civil lawsuit for implementation, which again takes years. Two years passed without any money after a widow in Kashiani was granted 30,000-taka maintenance at Village Court but the opponent refused to pay. Police mediation agreements are not legally binding. As a result, ADR offers merely a paper justice but no real solution saying that there is no benefit in mediation causes people to lose faith in ADR.

E. Inadequate Training and Neutrality of Mediators

UP members and attorneys on the Legal Aid panel sometimes lack mediation experience. They don't make decisions but function as judges or use interest-based negotiation. In salish arranged at Muksudpur I witnessed that a chairman shouting, “ja bolbo ty e hobbe, etto manuser kotha bola dorkar ny” at a female litigant. A code of conduct for mediators does not exist, Chairman is not pretrained moreover sometimes parties raise objection that mediators take money and other political facilities to influence outcomes or fix dates, illustrating the pervasiveness of corruption. Without competent and unbiased facilitators ADR is losing its credibility.

F. Gender Bias and Social Stigma

Men predominate in ADR in rural areas. In family disputes women are always victims. When a wife asks for maintenance “Shongshar korte hoy dhorjo dhore” is the response. When domestic abuse and marital rape cases are settled out of court, women's rights are violated. Social stigma also prevents women from participating independently. In Gopalganj's conservative areas, female plaintiffs need male guardians even in mediation, which defeats the purpose of access.

G. Limited Institutional Capacity and Logistics

Gopalganj has just one official and three employees in the office of district legal aid for five upazilas. No case management software, no separate mediation room. Village courts don't have funding for paperwork or summonses. Mediators are unmotivated since they are not compensated. People from the Char area are unable to attend hearings during the rainy season. ADR is erratic and inefficient due of these logistical limitations.

H. Non-Referral by Judiciary

The word “may” rather than “shall” is used in Section 89A of code of civil procedure. Due to docket pressure and a lack of oversight judges in Gopalganj hardly ever refer cases. They worry that unsuccessful mediation will recur and add to the effort. Judges who support alternative dispute resolution have no performance incentives. Instead of 90-day mediation thousands of compoundable cases remain unresolved for years.

I. Cultural Preference for Adversarial System

Ironically some village courts are become favorite courts. The idea that only formal law is “real law” was fostered by years of NGO initiatives. ADR is referred as “gorib-er-bichar”. The legitimacy of ADR is harmed by this change in perspective. People avoid mediation by filing FIRs for trivial issues in order to harass opponents and our police station also is used to refer to settle that tinny issue outside of the court.

Thus there are institutional, social, and legal barriers to ADR among the people of Gopalganj. A pro-people instrument becomes another site of exclusion due to the economic incentive of lawyers, elite capture, lax enforcement, and gender bias. ADR will continue to be a donor-driven catchphrase rather than justice for the masses if these practical issues are not addressed.

J. Institutional Weakness

Mass people wanted to mediate through ADR in rural suffer from severe institutional weakness that undermine the concept of ADR. The district legal aid office in Gopalganj operated with only one officer and three staff for five upazilas, lacking dedicated mediation rooms, case management systems, or transport facilities. Village Courts under Union Parishad have no separate budget, trained clerks, documentation supports, technology facilities handle judicial work in formally. Mediator receives no honorarium or performance incentive reducing motivation and accountability. Police stations conduct mediate on without legal mandate, standard procedures or record-keeping, leading to arbitrary outcomes. Moreover courts rarely refer cases under Section 89A the code of civil procedure of 1908 due to absence of monitoring mechanisms and judicial incentives.

RECOMMENDATIONS: MAKING ADR EFFECTIVE AMONG RURAL PEOPLE OF GOPALGANJ

Based on six-month field work in Gopalganj and identified challenges, the following actionable recommendations are proposed to strengthen ADR at the grassroots level:

A. To make judicial referral mandatory with accountability

For compoundable civil and family proceedings, amend Section 89A of the code of civil procedure 1908 to substitute “shall” for “may”. Describing the judges’ performance metrics, the Annual Confidential Report ought to include the ADR referral rate. Through mediation the High Court Division should oversee quarterly disposal. The court backlog in Gopalganj might be reduced by 40% in just two years if judges were required to refer land and maintenance issues first. Offer incentives, such as training overseas or promotion points to judges who have a settlement rate of more than 50%.

B. To appoint more mediators and make sure qualified budget and providing training

The government should appoint more mediators it could be from judicial officer of semi judicial officer for each upzila. In every upzila there should be a legal aid office to scrutinize the pre suit stage of a civil, criminal or any other conflict. A handsome budget and training must be provided. Incentives should be provided on their success rate and the government have to observe those officer’s activities and the officer must act to solve the parties’ problem should not create any other new issue upon his ego by showing of his knowledge limit.

C. Professionalize and neutralize mediators

To establish a certified mediator panel under the district legal aid office at the upazila level is the very urgent to teach social workers, UP members, and retired educators about ethics gender sensitivity and interest-based negotiating and to guarantee incentive pay as honorarium of 500–1000 taka for each successful-mediation. Establish a code of conduct that forbids mediators from engaging in political action while resolving conflicts. To lessen gender prejudice creates “Women-Only Mediation Panels” for family disputes. The BRAC model can be implemented in Gopalganj by training two female mediators for each union.

D. To strengthen enforcement mechanism

To modify the Village Courts Act of 2006 to grant UP the authority to carry out decrees in certificate cases similar to the Public Demand Recovery Act and the Village Court is to be empowered to enforce by Mobile Court magistrates. The Ministry of Home may take initiative for police mediation that acknowledges a written compromise as legally binding under Section 320 of the code criminal procedure. Contempt procedures ought to follow noncompliance. The public's belief that "aposh korle taka pabo" will be restored as a result.

E. Regulate lawyers' role and ensure bar cooperation

To make guidelines stating that obstructing mediation without a good reason constitutes professional misconduct should be released by the Bangladesh Bar Council. Provide the "ADR Fee" model in which attorneys or any other mediators receive a fixed 5,000 taka for a settled mediation, ensuring that their income never stops. To avoid animosity, the District Legal Aid Committee and Gopalganj Bar should meet once a month.

F. Massive legal awareness campaign

To spread ADR literacy school committees, mosques, and union digital centers can play a vital role making mass people toward ADR. Each month NGO-Legal Aid combined camps are held in the char areas of Tungipara and Kotalipara. Distribute visual pamphlets with the theme, "Mamla na, shalish e shomadhan". ADR is binding quick and lawful. Involve educators and imams as "ADR Ambassadors"³⁵ to dispel myths.

G. Institutional capacity building

It should be appointed one ADR officer for each upazila and their office should be established in every upzila and to create a private "ADR Corner" for female litigants in each UP complex and should make NLASO app to digitize case records, making enforcement and appeals simpler. A three-year trial project for ten crore taka should be funded by the government in Gopalganj.

³⁵ ADR UK Ambassadors, ADR UK, <https://www.adruk.org/our-work/adr-uk-ambassadors/> (last visited 21 June, 2026).

H. De-politicize ADR forums

It needs to modify the village court act 2006 to prohibit UP member from ADR who is elected or nominated from a political party and to establish a UNO-led Upazila ADR Monitoring Committee with civil society representatives to monitor “bichar banijjo”. All the process will be under the on camera and this video footage must be sent to the own higher authority. And it has to be assigned a court magistrate to serve as temporary mediators during elections to ensure that the process continues.

I. To Integrate ADR with court system

Create a court-annexed mediation center with full-time mediators in the Gopalganj District Judge Court. Instead of requiring a new filing, cases that are dismissed for default ought to automatically move to Legal Aid mediation. Establish a “Pre-Litigation Mediation Desk” at the police station for compoundable offenses filing a complaint prior to a settlement attempt should be discouraged and by this 30% of criminal suits will be filtered at the point of entrance.

J. Special protection for women and vulnerable groups

To forbid mediation in situations involving child marriage, dowries, and domestic abuse those must be handled in court but it could be assigned impartial arbitrators from outside the village for disabled and ethnic minority groups. For distant litigants, cover the expense of transportation to hearings.

K. Research, collecting data, and policy feedback

Every six months NLASO (National Legal Aid Services Organization)³⁶ should release data on ADR success by upazila and district legal aid officer and upon such data the government will have to take initiative action. At government cost, the National Legal Aid Services Organization (NLASO) has offered legal help in 4,66,148 cases³⁷. Research partnerships may also possible with universities such as GSTU Gopalganj by the government initiative.

³⁶ NATIONAL LEGAL AID SERVICES ORGANIZATION (NLASO), Ministry of Law, Justice and Parliamentary Affairs, Government of Bangladesh.

³⁷ DHAKA, May 17, 2026 (BSS), BSS NEWS (May 17, 2026), <https://www.bssnews.net/news/387803> (last visited 21 June, 2026).

CONCLUSION

Alternative Dispute Resolution has enormous potential to democratize access to justice for rural according to this six-month field study conducted in Gopalganj. However institutional, legal, and societal hurdles prevent this promise from being fully realized. According to the study alternative dispute resolution (ADR) forums, such as Village Courts, District Legal Aid mediation, NGO-led shalish, and police-mediated settlements, are in fact quicker, less expensive, and easier to access than formal courts.

Over 60% of rural litigants choose local mediation for land, family, and minor criminal conflicts because it avoids ten-year litigation and maintains social bonds. A solid legal basis is provided by the constitutional requirements under Articles 27, 31, and 35(3), as well as by laws including the Code of civil procedure, 1908 Section 89A, the Village courts act of 2006, and the Legal aid services act of 2000 in addition to judicial rulings have supported alternative dispute resolution (ADR) as an adjunct to courts.

Mediation is culturally acceptable with village life since it is a “win-win” process where both parties maintain their dignity and authority over the resolution. Effectiveness of ADR was demonstrated in successful cases in Kashiani, Tungipara, and Kotalipara, where disagreements were settled in 30 to 90 days at a fraction of the cost of litigation.

Critical examination reveals that ADR is not a cure-all. Village Courts and Legal Aid Offices suffer from institutional flaws such as a lack of staff, little enforcement authority, and inadequate training. Neutral mediation is transformed into “bichar banijjo,” where powerful parties force unjust compromises, due to social flaws such elite dominance, gender bias, and political meddling. ADR is further marginalized by advocate’s animosity, judges’ reluctance to refer cases, and the general belief that “shalish is not real bichar.”

As a result, women frequently accept unfair settlements in order to escape social humiliation moreover 40% of mediated agreements are subsequently broken. For complicated property and business conflicts, traditional courts continue to offer stronger rights protection and binding enforcement despite delays and expenses. Therefore, neither system is adequate on its own for rural residents. While courts are still necessary for rights-based adjudication and enforcement where alternative dispute resolution (ADR) is preferable for short-term relief like maintenance, divorce and dower.

Therefore, integration rather than replacement is the best course of action. The report suggests requiring judicial referrals, providing mediators with training and an honorarium, enforcing Village Court rulings more strictly, de-politicizing forums, and raising public understanding of the law. The backlog can be decreased while maintaining justice by using a hybrid paradigm in which courts filter compoundable matters to qualified mediation and successful ADR outcomes receive legal support. Gopalganj can become a model district demonstrating how ADR and formal justice jointly achieve the constitutional promise of prompt, affordable, and equal justice for all residents, especially for the marginalized people with focused reforms and sufficient budget allocation.

