

Sonargaon University (SU)

Department of Law

Master's of Law (LLM)

Research Monograph

on

Research Monograph on "ADR Mechanisms in Bangladesh: Widening Scopes for Access to Justice"

Submitted to:

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Section: LLM-0323 Toba (Thesis)

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Letter of Transmittal

To

Sharmin Jahan Runa

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Subject: Submission of Research Monograph on **"ADR Mechanisms in Bangladesh: Widening Scopes for Access to Justice"**

Dear Sir,

This is a great pleasure to submit the Research Monograph on **"ADR Mechanisms in Bangladesh: Widening Scopes for Access to Justice"** as a partial requirement for the fulfilment of my LL.M 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 **"ADR Mechanisms in Bangladesh: Widening Scopes for Access to Justice"** prepared solely by me and which has been submitted to the department of Law, Sonargaon University (SU) for achieving the LL.M (Master) 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 fulfilment of LL.M. program.

……..

Sharmin Jahan Runa

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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 ADR Mechanisms in Bangladesh: Widening Scopes for Access to Justice.**

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

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Thank you

Saidur Rahman

ABSTRACT

Rule of law and access to justice are important elements for the stability and development of states. Accordingly, almost in every jurisdiction, escalating emphasis has already been casted upon the Alternative Dispute Resolution schemes as a proven means to avoid the usage of adversarial hearings in the formal litigation in order to ensure access to justice for all in an amicable way. Bangladesh is pre-eminently included in such noble endeavours. The Access to Justice Movement and the Alternative Dispute Resolution movement have shaped the way in the role and functioning of courts in society. Both movements have criticized the courts for failing to provide precise, real and achievable justice for citizens. They have also emphasized ADR as a tool for providing better dispute resolution processes resulting in better outcomes. This paper aims to pinpoint the need for ADR and different types of dispute resolution mechanisms; and the need for dispute resolution system design as the most important preconditions for releasing the potential of ADR as a tool to provide access to justice. It is an attempt to provide a comprehensive idea in the way of access to justice in our legal system; and by reviewing access to justice both theoretically and in practice, and court and non-court-based-practices of those modalities under different legislations of Bangladesh, to show the fairness, efficiency and effectiveness of ADR towards the promotion of access to justice. Finally, it discusses alternative dispute resolution (ADR) reforms brought about in Bangladesh as a popular element of access to justice.

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