

1. Introduction to the Country and Its Legal Framework

1.1 Overview of the Country's Legal System

1.1.1 Basis of the Legal System

Bangladesh is a common law jurisdiction. Its legal system developed substantially from the legal institutions of British India and Pakistan through adaptation. Then it is reshaped by the Constitution of the People's Republic of Bangladesh, post-independence legislation, judicial decisions and sector-specific statutes. The Constitution of the People's Republic of Bangladesh is the supreme law of the land. Civil procedure remains principally governed by the Code of Civil Procedure, 1908 (CPC), while criminal procedure is governed principally by the Code of Criminal Procedure, 1898. The matter of personal status (marriage, divorce, dower, guardianship, and inheritance) is governed by separate religion-based personal laws. Personal laws are applied and enforced by the secular civil and family courts rather than by separate religious tribunal. The system therefore retains a strong adversarial and precedent-informed common-law character, but it also contains extensive statutory regulation and specialized dispute-resolution mechanisms.

1.1.2 Structure of the Court

- **Supreme Court:** Appellate Division and High Court Division.
- **District-level civil courts:** District Judge, Additional District Judge, Joint District Judge, Senior Civil Judge and Civil Judge.
- **Criminal courts:** Sessions courts and Magistrates' courts, including metropolitan structures where applicable.
- **Specialized courts/tribunals:** including Artha Rin Adalats (Money Loan Courts), Family Courts, Family Appeal Courts, Labour Courts, Nari o Shishu Nirjatan Daman Tribunals (women and children repression tribunals), Special Tribunals (for example, on anti-corruption or narcotics matters), Cyber Tribunals, and, at the grassroots union-council level, Village Courts. Bankruptcy, Income Tax Tribunals, Environment Courts, Land Survey Tribunals, Land Survey Appellate Tribunals, Administrative Tribunals Courts and other statutory forums.
- **Legal Aid Offices:** institutional mechanisms attached to the national legal-aid system, increasingly important for pre-case and post-case mediation.

Level and Extent of JDR implementation process:

Implementation of JDR in Bangladesh is uneven across the judicial hierarchy. It is most robust and consistent at specialized trial-court level — particularly in the Money Loan Courts, where statutory mediation is near-universal, and in the Family Courts, where judicial reconciliation is a mandatory step. The Code of Civil Procedure, 1898 (CPC) authorizes the court itself to mediate in qualifying civil suits and also permits referral to Legal Aid Officers, engaged pleaders, parties, or mediators from panels prepared under the CPC. Section 89C of CPC also allows mediation even at the appellate stage. Mediation mechanisms under the CPC, the Artha Rin Adalat Ain (Money Loan Court Act), the Family Courts Act, the Legal Aid Services Act, 2000, Commercial Court Act 2026 and other legislations. A particularly important development occurred in 2025 when the Legal Aid Services Act, 2000 was amended by the Legal Aid Services (Amendment) Ordinance, 2025. The amendment expanded the statutory architecture for pre-case and post-case mediation, introduced a framework for Special Mediators, and provided for mandatory

pre-case mediation in specified categories of disputes under 9 laws subject to effect by government notification.

2. Objectives of the JDR Process

2.1 Impetus for Introducing JDR and Dispute-Resolution Modalities

- A chronic and worsening case backlog: approximately 4.65 million cases were pending across all tiers of the judiciary as of mid-2025, up from about 1.79 million in 2008 — an average net increase of roughly 160,000 cases per year — with lower courts alone carrying close to 86% of that load.
- An acute shortage of judges relative to caseload: Bangladesh has approximately 2,300 sitting judges nationally, with individual lower-court judges carrying caseloads averaging close to 2,000 pending matters each.
- Pressure from the banking sector to recover non-performing loans without protracted litigation: classified loans reached over 32% of total outstanding bank credit by March 2026, with bank loans tied up under court stay orders exceeding Tk 182,000 crore by end-2025.
- A long indigenous tradition of village-level shalish (community conciliation), which provided a cultural predicate for the introduction of statutory ADR mechanisms.
- Donor- and internationally supported judicial reform initiatives since the 1990s and 2000s, which promoted mediation and ADR as tools for improving access to justice and court efficiency.
- Japan International Cooperation Agency (JICA)’s 2024 access-to-justice project described court delays and a large pending caseload as important barriers to access to justice and identified mediation at district courts and legal-aid offices as a principal intervention. The project initially targeted Dhaka and pilot districts Narsingdi and Cumilla.
- The policy direction has therefore evolved from “ADR as an alternative to adjudication” toward a broader conception of court-connected dispute management in which judges and judicial institutions identify appropriate cases for settlement, encourage consensual resolution and use legal-aid and mediation infrastructure.

2.2 Objectives and Key Outcomes

- Early resolution of disputes without a full trial.
- Reduction of delay and judicial workload.
- Reduction of litigation costs for parties and the justice system.
- Improved access to justice, particularly for vulnerable and economically disadvantaged litigants.
- Preservation of relationships and social/family cohesion where appropriate.
- Greater party participation and ownership of outcomes.
- Reduction of enforcement problems by encouraging workable consensual settlements.
- Improved public confidence in the justice system.
- Diversification of dispute-resolution methods while retaining adjudication as the ultimate safeguard.

3. Legal Framework for the JDR Process

The court's authority to conduct or direct JDR in Bangladesh is overwhelmingly statutory rather than resting on inherent case-management power or judge-made doctrine. The principal sources are:

3.1 Code of Civil Procedure, 1908 — Sections 89A, 89B and 89C

Section 89A is the central statutory foundation for court-connected mediation in ordinary civil suits. Subject to the statutory exclusions and conditions, after filing of the written statement the court shall, by adjourning the hearing, mediate itself or refer the dispute to a Legal Aid Officer, engaged pleaders, the parties, or a mediator from a panel prepared by the District Judge. The statutory framework therefore expressly recognizes both judicial mediation and referral to non-judicial mediators.

Where mediation is conducted by the court itself, the court prepares the report and deals with the compromise in accordance with the CPC. Where mediation succeeds through a Legal Aid Officer or mediator, the settlement is reduced to writing and the court passes the appropriate order or decree. If mediation fails, the suit proceeds from the stage at which it stood before mediation.

A significant safeguard is section 89A(9): where a mediation initiative led by the court itself fails and the same judge continues to preside, that judge shall not hear the suit; another competent court must hear it. This provision is highly relevant to the JDRN concept because it addresses the structural tension between judicial settlement efforts and subsequent adjudication.

The CPC also protects confidentiality and privilege in mediation. Communications, evidence, admissions, statements, comments and conversations in the mediation process are not to be referred to or admitted in subsequent proceedings, subject to the statutory framework.

Section 89B provides for withdrawal of a suit where parties agree to refer the dispute to arbitration. Section 89C extends mediation principles to appeals.

3.2 Legal Aid Services Act, 2000 and the 2025 Amendment

The Legal Aid Services Act, 2000 provides an institutional foundation for mediation through Legal Aid Officers. The 2025 amendment substantially strengthened this framework. It defines mediation to include both pre-case mediation and post-case mediation and recognizes physical or virtual participation. It also authorizes Chief Legal Aid Officers and Legal Aid Officers to initiate pre-case mediation and to dispose of matters referred by courts or tribunals for post-case mediation.

The amendment introduced a statutory framework for Special Mediators. Special Mediators may be selected from retired District Judges and specially trained and experienced lawyers. The National Legal Aid Services Organization may prepare a panel and appoint the required number of Special Mediators to Legal Aid Offices, subject to the statutory approval requirements.

The amendment also introduced mandatory pre-case mediation for specified disputes listed in the Schedule, subject to commencement by Government notification for the relevant area. Where mandatory pre-case mediation fails, the party may institute a case and must file the prescribed mediation-failure report. A mediation agreement certified by the Chief Legal Aid Officer is final, enforceable and binding and is treated as a decree or final order for enforcement purposes.

This development is especially important from a JDRN perspective because it moves Bangladesh toward a more integrated dispute-resolution architecture combining court proceedings, legal-aid institutions, mediation and pre-action settlement.

3.3 3.3 Family Courts

Family disputes are subject to specialized statutory procedures under the Family Courts Act, 2023. The Bangladeshi judiciary identifies mediation/settlement provisions under the Family Courts framework. Family disputes are particularly suited to consensual and relationship-sensitive processes, and family-court settlement practice represents one of the longstanding areas in which judicial settlement has been integrated into adjudicative proceedings.

3.4 Artha Rin Adalat and Other Statutory ADR Mechanisms

The Artha Rin Adalat Ain, 2003 contains its own settlement/ADR provisions. Importantly, section 89A CPC expressly excludes suits under the Artha Rin Adalat Ain from the ordinary CPC mediation route. The existence of a separate statutory mechanism demonstrates that Bangladesh has adopted a sector-specific rather than completely uniform ADR architecture. Chapter V, sections 21–24, providing for a judge-presided "settlement conference" and, alternatively, mediation before an appointed mediator, after the written statement is filed. A 2010 amendment (Act No. 16 of 2010) made this mediation step mandatory, with courts required to refer suits to mediation and with statutory consequences attaching where mediation fails; case law confirms that referral is treated as a mandatory procedural step rather than a matter of party consent.

Bangladesh Labour Act, 2006 — providing for conciliation of industrial and Labour disputes, both administratively (through Conciliators of the Labour Directorate) and, where litigation has commenced, before the Labour Courts.

Village Courts Act, 2006 — establishing union-level Village Courts, whose panels are statutorily directed to attempt conciliation between the parties to petty civil and criminal disputes before adjudicating.

Arbitration Act, 2001 — based substantially on the UNCITRAL Model Law; section 22 permits mediation to be pursued within an arbitration reference upon the consent of the parties.

The Commercial Courts Act, 2026—establishes specialized commercial courts in Bangladesh to resolve business, banking, and trade disputes quickly. Under **Section 7** of the Act, dispute resolution (ADR) shifts from an optional civil process into a highly structured, mandatory mechanism designed to prevent unnecessary litigation.

Customs Act, VAT and Supplementary Duty Act, Bankruptcy Act, Gram Adalat Act and other laws. These mechanisms are not all JDR processes, but they form the broader dispute-resolution ecosystem within which court-connected settlement operates.

Bangladesh does not have a single, unified mediation code comparable to some other jurisdictions (for example, India's Mediation Act, 2023). JDR instead rests on a patchwork of sector-specific statutory provisions layered onto the CPC's general — but, for ordinary suits, largely uncommenced — mediation scheme. This gap has been the subject of recent law-reform commentary and advocacy for a standalone Bangladeshi mediation statute.

Institutions	Relevant Laws	Sections	Method of Dispute Resolution	Nature of Mediation
Money Loan Courts	Money Loan Courts Act, 2003	22-25, 38, 44A, 45	Mediation	Court based Mediation
Civil Courts	The Code of Civil Procedure, 1908	89A, 89B, 89C, 89D - & 89E	Mediation	Court based mediation
Family Court	The Family Courts Act, 2023	10(3), 13(1) 14	Mediation	Court based mediation
Local Government Institutions	The Conciliation of Disputes (Municipal Area) Board Act, 2004	3, 4 & Schedule	Mediation conciliation	Local Government based mediation
Local Government Institutions	Village Court Act, 2006	4, 5 & Schedule	Mediation/ Arbitration	Quasi formal statutory mediation
National Board of Revenue	Income Tax Act, 2023	152F-152S	Mediation/ Facilitation	Statutory institutional mediation

National Board of Revenue	The Value Added Tax Act, 1991	41A-41K	Mediation/ Facilitation	Statutory institutional mediation
National Board of Revenue	The Customs Act, 1969	192A-192K	Mediation/ Facilitation	Statutory institutional mediation
National Legal Aid Services Organization	Legal Aid Rules, 2015	4-17	Mediation	Statutory institutional mediation
Conciliator	Bangladesh Labor Act, 2016	210	Conciliation/ Arbitration	Statutory institutional mediation
Conciliator/Mediator	EPZ Trade Welfare Society and Labor Industrial Relation Act, 2019	126,128-130	Conciliation/ Arbitration	Statutory institutional mediation
Arbitrator	Arbitration Act, 2001	22	Mediation/Conciliation	statutory

3.5 Source of Judicial Authority

The authority for judicially connected dispute resolution in Bangladesh is primarily statutory. The strongest sources are the CPC, the Family Courts legislation, the Artha Rin Adalat legislation and the Legal Aid Services Act as amended. In addition, courts possess ordinary procedural and case-management powers within the limits of statute and the Constitution. The JDRN model can therefore be developed in Bangladesh most securely through a combination of statutory authority, rules/practice directions, judicial policy and structured training rather than relying solely on an undefined inherent power.

4.1 Training of Judges

Judicial training in mediation is established in Bangladesh. The Judicial Administration Training Institute (JATI) has conducted dedicated ADR and mediation programmes for Judges and Legal Aid Officers. For example, in 2025-2026, JATI provides classes on Mediation in the orientation training courses organized for Additional District Judges and a two-days mediation training course for Civil Judges and District Legal Aid Officers. Training capacity nonetheless remains constrained relative to the size of the subordinate judiciary (approximately 2,300 judges nationally), and formal mediation training is not yet a uniform, accredited prerequisite to presiding over or conducting JDR, in contrast to jurisdictions that require certified mediator status.

Training has also increasingly involved international cooperation. JICA launched its Development of Mediation and Civil Litigation Practices for Enhancement of Access to Justice Project in Bangladesh in 2024, with district courts and legal-aid offices in pilot regions as implementing/target institutions. This provides an important platform for strengthening judicial case management, mediation skills and institutional learning. For a mature JDR model, training should extend beyond basic mediation concepts to include screening, agenda setting, interest identification, caucusing, negotiation, managing power imbalance, ethics, confidentiality, settlement drafting, online mediation, handling self-represented litigants and the boundary between facilitation and adjudication.

4.2 Statistics on the JDR Process

A principal limitation in the present national system is the absence of a single publicly reported statistical series measuring “JDR” as a distinct process. The National Legal Aid Services Organization publishes annual reports and long-run legal aid statistics, while individual statutory schemes and courts may maintain their own settlement data. From 2009-2026, National Legal Services Organization now Bangladesh Legal Aid Directorate has disposed of 2,29,145 disputes through mediation and in 2023-2024 (one year), 17622 cases are disposed of through mediation. (<https://nlaso.gov.bd>). It may be noted that Legal Aid officers are appointed from the judges in Bangladesh.

For future JDR evaluation, Bangladesh would benefit from a standardized national dashboard capturing number of cases screened; number referred to mediation; number accepted; number settled; partial settlements; settlement time; number of judicial hearing dates avoided; settlement durability; appeal/enforcement rates; litigant satisfaction; lawyer satisfaction; judicial time saved; and cost estimates. JATI, in conjunction with the Supreme Court, is well placed to establish a standard national tracking template for JDR outcomes as part of the JDRN Best Practice Guide process.

4. Present Characteristics of the Bangladesh JDR Model

The present Bangladeshi system is best described as a distributed court-connected ADR model rather than a single integrated JDR model. Its principal characteristics are:

- **Court initiation:** the court may itself undertake mediation in qualifying for civil proceedings.
- **Referral:** the court may refer to disputes to Legal Aid Officers, lawyers, parties or panel mediators.
- **Judge-led settlement:** judicial mediation is expressly contemplated by section 89A CPC.
- **Time limits:** section 89A provides a statutory mediation period of 60 days, extendable by the court for up to a further 30 days in the circumstances specified by law.
- **Confidentiality:** mediation communications are protected by statutory confidentiality and privilege.
- **Settlement enforcement:** successful settlements are converted into court orders/decrees under the applicable statutory mechanism.
- **Recusal/separation safeguard:** where a court-led mediation fails, the same judge cannot continue to hear the case under section 89A(9).
- **Legal-aid integration:** Legal Aid Officers are increasingly central to pre-case and post-case mediation.
- **Virtual mediation:** the 2025 legal-aid amendment expressly recognizes physical or virtual participation in mediation.
- **Sector-specific pathways:** family, money-loan and other disputes may follow specialized statutory ADR processes.

5. Development of a Bangladesh JDR Model: Lessons and Recommendations

- Define JDR clearly and distinguish it from ordinary mediation, conciliation and judicial settlement.
- Adopt a national JDR practice direction or judicial policy, supported where necessary by legislation.
- Introduce structured early case-management conferences in appropriate civil cases.
- Develop a judicial JDR toolkit covering mediation, negotiation, neutral evaluation and settlement conferencing.
- Create clear safeguards for judicial impartiality, including separation of the settlement judge from the trial judge where settlement fails.
- Integrate courts with Legal Aid Offices through standardized referral and feedback protocols.
- Use trained judicial officers, retired judges and accredited mediators according to the nature of the dispute.
- Establish national standards for mediator ethics, confidentiality, conflicts of interest and settlement documentation.
- Expand virtual/ODR capability while preserving procedural fairness and accessibility.
- Collect nationally consistent data and publish annual JDR performance indicators.
- Develop specialist JDR tracks for commercial, family, property, money-loan and other suitable disputes.
- Incorporate litigant and lawyer feedback into continuous improvement.

5.1 Suggested JDR Workflow for Bangladesh

1. Case filing and preliminary identification of dispute characteristics.
2. Early case-management conference by the judge.
3. Screening for suitability: legal issues, factual complexity, relationship between parties, urgency, power imbalance and settlement potential.
4. Selection of appropriate modality: judicial mediation, referral to Legal Aid Officer, private mediator, judge-directed negotiation or, where appropriate, neutral evaluation.
5. Structured settlement conference, including joint session and caucus where appropriate.

6. Settlement drafting and verification of informed consent.
7. Court order/decreed or other legally enforceable settlement instrument.
8. If settlement fails, application of the statutory separation/recusal safeguard where judicial mediation was conducted.
9. Case continues efficiently from the appropriate procedural stage.
10. Outcome and performance data recorded for institutional evaluation.

5.2 Overall Assessment

Bangladesh is well positioned to develop a formal JDR model. The country's existing legal framework already recognizes the core idea that judges and courts should actively facilitate early consensual resolution, rather than treating adjudication as the only route to justice. Section 89A CPC is particularly important because it expressly authorizes court-led mediation and creates procedural safeguards when that mediation fails. The legal-aid reforms of 2025 further broaden the architecture by recognizing pre-case and post-case mediation, virtual participation and Special Mediators, and by creating a framework for mandatory pre-case mediation in specified disputes.

At the same time, Bangladesh should be described accurately as having extensive JDR-type mechanisms rather than a fully unified JDR system. The next stage of reform should therefore focus on integration: proactive case management, common standards, judicial training, technology, data and quality assurance. A carefully designed national JDR framework could build on existing legislation rather than replace it, while drawing on international best practices and the experience of the JDRN.

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