

Access to Justice: Addressing Case Backlogs and Promoting Gender-Sensitive Alternative Dispute Resolution

Khurshid Rajib¹

¹University of Rajshahi, Bangladesh

*Corresponding Author: khurshid.rajib@students.ru.ac.bd

Article History:

Submitted:

08-04-2025

Received:

29-04-2025

Accepted:

17-06-2025

Keywords:

access to justice; case backlog; alternative dispute resolution; gender-sensitive

Abstract

Access to justice is a fundamental element in ensuring human rights and the rule of law. In Bangladesh, the judicial system faces serious challenges, most notably the issue of case backlogs that hinder the timely, fair, and efficient resolution of disputes. This study aims to analyze the root causes of the legal system's congestion and to explore the potential of gender-sensitive ADR mechanisms as a means to broaden access to justice, particularly for vulnerable groups such as women. Using a descriptive qualitative approach, this study relies on secondary data from policy reports, academic publications, and relevant field studies. The findings indicate that the formal judicial system in Bangladesh is burdened by a lack of human resources and infrastructure, as well as by complex and gender-insensitive legal procedures. In contrast, ADR mechanisms such as mediation and arbitration hold significant promise for reducing the caseload of the courts and enabling more participatory and expedited dispute resolution processes. However, the effective implementation of ADR continues to face structural challenges, including gender bias, limited public awareness, and the need for institutional reform and gender-based training. Therefore, a multi-level approach that includes policy reform, gender-sensitive capacity building, and community advocacy is essential to promote a more responsive and inclusive legal system in Bangladesh.

1. Introduction

The judicial system in Bangladesh, as in many other developing countries, faces a range of structural and functional challenges that significantly impact public access to justice. As a densely populated and socially diverse nation, Bangladesh's judiciary is burdened with issues such as case delays, high legal costs, and an inability to provide equitable access to all segments of society.¹ The formal judicial system in Bangladesh comprises lower courts under the supervision of the Supreme Court, which includes district courts, the High Court Division, and the Appellate Division of the Supreme Court. This formal structure is highly complex, characterized by detailed and bureaucratic legal procedures. Judicial processes in Bangladesh are widely known for their sluggishness, often requiring an inordinate amount of time to resolve a single case. This delay places a burden on justice seekers, particularly those living in remote areas or individuals with limited financial resources who are unable to bear the high costs associated with litigation.² Consequently, there is an urgent need to critically examine and identify solutions to the impediments facing the judicial system.

In response to the growing societal demand for access to justice, the Government, along with various relevant institutions, has undertaken efforts to enhance the capacity of the judicial

¹ Ummey Tahura, "Role of Clients, Lawyers, Judges, and Institutions in Hiking Litigation Costs in Bangladesh: An Empirical Study," *Asian Journal of Law and Society* 9, no. 1 (February 7, 2022): 59–80, <https://doi.org/10.1017/als.2020.26>.

² Md Shahin Kabir and Syeda Marufa Yeasmin, "Causes of Delay in Civil Litigation in Bangladesh],"
SSRN Electronic Journal, 2023, <https://doi.org/10.2139/ssrn.4488230>.

system. However, a major unresolved issue remains the overwhelming case backlog, which continues to increase each year. This persistent congestion not only undermines the quality of public legal services but also contributes to a deepening mistrust in the formal judicial system.

One of the most pressing issues within the judicial system of Bangladesh is the massive accumulation of unresolved cases.³ With over four million cases currently pending, the courts are caught in a vicious cycle where the volume of incoming cases exceeds the judiciary's capacity to resolve them. Recent statistics indicate a substantial rise in the inflow of cases, while the court system's disposal rate remains disproportionately low.⁴ This imbalance has resulted in a continually growing backlog over time.⁵ It is essential to understand two principal factors contributing to this crisis. First are structural factors, including the limited number of judges, inadequate training for court personnel, and protracted legal procedures. Second are socio-economic factors, particularly the inability of large segments of the population to access judicial services due to high litigation costs and geographical barriers. As a result, many litigants lack the financial resources necessary to pursue their legal claims, leading to significant delays in the resolution of disputes. Additionally, there are shortcomings in case management practices, as the judiciary's information technology systems remain underdeveloped. Yet efficient use of technology could accelerate case processing and reduce procedural bottlenecks. In reality, many cases that could be resolved more promptly become trapped in inefficient bureaucratic processes. Empirical studies also reveal that a significant proportion of cases brought before the courts are minor in nature and could be more appropriately handled through non-judicial means, such as mediation or other forms of Alternative Dispute Resolution (ADR).⁶ However, due to limited access to effective ADR mechanisms – often caused by a lack of awareness or institutional support – many individuals are compelled to pursue formal litigation.⁷ This practice places an additional burden on an already overextended judiciary, further exacerbating the case backlog.

Within the judicial system of Bangladesh, numerous social and legal barriers significantly impede public access to justice, particularly for marginalized groups such as women, minorities, and the economically disadvantaged. One of the most formidable obstacles is the widespread inability of the population to afford the high costs associated with legal proceedings. These costs extend beyond legal representation and include various procedural expenses such as court fees and administrative charges, which often place a disproportionate burden on individuals with limited financial means. Individuals from lower socio-economic strata frequently lack access to legal counsel or professional legal advice, compelling them to navigate the complexities of the legal process on their own. This lack of

³ Md. Milan Hossain, "Backlog of Cases - Civil and Criminal Justice: A Comparative Study, Bangladesh Perspective," *International Journal of Human Rights and Constitutional Studies* 6, no. 3 (2019): 214, <https://doi.org/10.1504/IJHRCS.2019.10019221>.

⁴ Deng Lie and Manjurul Alam, "Analyzing the Challenges and Opportunities for Implementing a Comprehensive Case Management System in Bangladeshi Courts," *International Journal of Research and Innovation in Social Science* VIII, no. XI (2024): 1018–38, <https://doi.org/10.47772/IJRISS.2024.8110082>.

⁵ Hossain, "Backlog of Cases - Civil and Criminal Justice: A Comparative Study, Bangladesh Perspective."

⁶ Md. Ala Uddin, "Effective Implementation of ADR in the Civil Justice System of Bangladesh: A Critical Analysis," *Bangladesh Journal of Law*, December 2022, <https://doi.org/10.58710/bjlV20N2Y2022A05>.

⁷ Uddin.

representation exacerbates their vulnerability and diminishes their ability to assert their rights effectively within the formal judicial system.

On the other hand, women particularly those living in rural areas often face even greater social barriers. Many women are unaware of where to seek legal assistance, or are not given the opportunity to speak within formal legal forums. As a result, their participation in legal processes remains extremely limited. Studies indicate that 41% of women in Bangladesh do not know whom to contact for legal support.⁸ This not only perpetuates injustice but also exacerbates existing gender inequalities within the legal system. Moreover, many marginalized individuals, including women and children, often resort to traditional dispute resolution mechanisms, which are frequently insensitive to gender concerns and are typically led by conservative community leaders. These village-level processes often result in outcomes that disadvantage women, who are commonly denied the opportunity to present or defend themselves adequately.⁹ The absence of gender-sensitive mechanisms within these structures further deepens the justice gap for vulnerable groups. Geographic barriers remain a significant challenge. A large portion of Bangladesh's population resides in remote areas that are isolated from administrative and judicial centers. These communities often lack access to formal courts or adequate legal aid services. This spatial inequality in access to justice contributes to broader disparities and fosters growing distrust toward the formal justice system.

Empirical research has shown that a significant portion of the pending cases are minor disputes that could be more efficiently resolved through ADR methods such as mediation or arbitration¹⁰. ADR processes are particularly effective in rural contexts and are praised for being faster, less costly, and more conciliatory.¹¹ However, their implementation in Bangladesh remains constrained by inadequate legal frameworks, lack of standardization, and gender biases.¹² Moreover, although the hybrid justice model, which combines formal courts with community-based mechanisms such as *shalish* and village courts, has been proposed to improve access and reduce backlogs¹³, challenges persist in mainstreaming these alternatives within the national justice strategy. The novelty of this study lies in its critical evaluation of gender-responsive ADR as a transformative tool to complement the hybrid justice model. While previous studies have identified the promise of ADR and hybrid mechanisms in reducing case backlogs and improving access to justice, they often overlook the gender

⁸ The Carter Center's, "Women and the Right of Access to Information in Bangladesh," www.cartercenter.org, May 2016, <https://www.cartercenter.org/resources/pdfs/peace/ati/bangladesh-women-mixed-methods-study-ati.pdf>.

⁹ The Carter Center's.

¹⁰ Md. Habib Alam, "Alternative Dispute Resolution (ADR): A New Key for Implementing Civil Justice in Bangladesh," *IOSR Journal of Humanities and Social Science* 19, no. 1 (2014): 88-94, <https://doi.org/10.9790/0837-191128894>.

¹¹ Nannu Mian and Shaikh Hossain, "Problems of Alternative Dispute Resolution Mechanisms and Proposals for Improvement: A Study in Bangladesh" 0101 (April 2013): 1784-2321.

¹² Mohammad Saidul Islam, "Efficiency and Effectiveness of Alternative Dispute Resolution Schemes Towards the Promotion of Access to Justice in Bangladesh," *IIUC Studies* 8 (September 10, 2014): 95-112, <https://doi.org/10.3329/iiucs.v8i0.20405>.

¹³ Md Jahirul Islam, Masahiro Suzuki, and Nurunnahar Mazumder, "Promoting Access to Justice in Bangladesh: Towards a Hybrid Justice Model," *International Journal of Law, Crime and Justice* 77 (June 2024): 100655, <https://doi.org/10.1016/j.ijlcj.2024.100655>.

dimension and the institutional linkages necessary for scaling such initiatives effectively. This research seeks to bridge that gap by analyzing how gender-sensitive dispute resolution frameworks can be institutionalized to support both equity and efficiency within the Bangladeshi judicial system. It emphasizes the role of the National Legal Aid Services Organization (NLASO) and other stakeholders in integrating ADR with broader legal aid strategies, with special attention to the needs of women and economically disadvantaged populations.

2. Methods

This study employs a qualitative approach using a case study method to analyze access to justice in Bangladesh. Data were collected through secondary sources and a review of relevant policy documents and reports. The data analysis was conducted using thematic analysis and triangulation techniques to ensure the validity of the findings. Through this approach, the study aims to understand the structural and functional challenges within the judicial system and to explore the effectiveness of ADR mechanisms in reducing case backlogs and enhancing access to justice for vulnerable groups.

3. Results and Discussion

3.1. The Formal Justice System and Its Challenges

The formal judicial system in Bangladesh, despite undergoing various reform initiatives, continues to face significant challenges in terms of case management, complex legal procedures, financial and time constraints, as well as gender inequality in access to justice.¹⁴ These issues not only obstruct equal access to justice but also undermine the overall effectiveness and credibility of the judiciary. Given the heavy reliance on the formal justice system for the resolution of legal disputes at both individual and community levels, it is essential to conduct an in-depth analysis of these challenges and their impact on justice seekers.

Case management within the judicial system of Bangladesh represents one of the principal challenges affecting the effectiveness of dispute resolution.¹⁵ Lengthy and intricate legal procedures often result in delays in adjudication. Procedural laws such as the Code of Civil Procedure, 1908 and the Criminal Procedure Code, 1898 provide the legal framework for case handling. However, in practice, the implementation of these procedures frequently encounters difficulties that lead to inefficiencies. One of the primary reasons behind the excessive case backlog is the slow pace of legal proceedings. Detailed processes, including evidence collection, witness examination, and prolonged trials, contribute to the time required for resolving a case. According to the Bangladesh National Legal Aid Services Organization Act, 2000, which is intended to provide legal assistance to the underprivileged, resolution of disputes through formal courts often takes several years, depending on the type of case and the judicial level involved. As a result, many individuals involved in the judicial process are unable to obtain timely outcomes or may even become forgotten within the protracted timeline

¹⁴ Deng Lie and Manjurul Alam, "Analyzing the Challenges and Opportunities for Implementing a Comprehensive Case Management System in Bangladeshi Courts," *International Journal of Research and Innovation in Social Science* VIII, no. XI (2024): 1018–38, <https://doi.org/10.47772/IJRISS.2024.8110082>.

¹⁵ Lie and Alam.

of their cases.¹⁶ Furthermore, the case management system faces serious capacity constraints in terms of the number of judges and administrative personnel. The courts in Bangladesh are understaffed and lack sufficient judicial officers to handle the more than four million pending cases, thereby contributing to delays in the legal process.¹⁷ The inadequacy of qualified judges and trained court staff renders the judiciary incapable of processing cases efficiently, which in turn exacerbates the administrative burden and further extends the time required for dispute resolution.

Financial and temporal constraints constitute two significant barriers faced by individuals particularly those from lower socio-economic strata in accessing the formal judicial system in Bangladesh¹⁸. The high costs associated with litigation, including legal representation, court fees, and other procedural expenses, often act as a primary deterrent for justice seekers attempting to pursue their cases through formal legal channels. Although the Legal Aid Services Act, 2000 provides a statutory foundation for legal assistance to underprivileged individuals, its implementation remains limited and fails to comprehensively cover all segments of the population in need. Moreover, the protracted duration required for case resolution further exacerbates the inability of individuals to endure prolonged legal processes. Many justice seekers, especially those residing in remote or rural areas, lack the necessary resources to participate in drawn-out judicial proceedings.¹⁹ These individuals frequently incur additional costs such as transportation and accommodation in order to appear before courts located far from their place of residence. The constraints of time and resources thus give rise to systemic inequalities in access to justice, whereby only those with sufficient financial capacity are able to sustain engagement with the judicial process. While the formal judicial system is theoretically designed to ensure justice for all, in practice, the prohibitive costs and extensive delays often serve to restrict access for the most vulnerable. This situation not only disadvantages individuals but also erodes public trust in the integrity of the judicial system. As part of ongoing reform efforts, the judicial system in Bangladesh must address these impediments by developing more efficient and affordable mechanisms to guarantee equitable access to justice.

The high influx of cases within the Bangladeshi judicial system represents an increasingly worsening issue. A significant proportion of the disputes brought before the courts are matters that could potentially be resolved through ADR mechanisms, such as mediation or arbitration.²⁰ However, due to limitations in the effectiveness and accessibility of

¹⁶ Md. Awal Hossain Mollah, "Rule of Law and Good Governance in Bangladesh: Does Judicial Control Matter?," *SSRN Electronic Journal*, 2014, <https://doi.org/10.2139/ssrn.2728278>.

¹⁷ Kazi Masudul Alam et al., "A Blockchain-Based Land Title Management System for Bangladesh," *Journal of King Saud University-Computer and Information Sciences* 34, no. 6 (June 2022): 3096–3110, <https://doi.org/10.1016/j.jksuci.2020.10.011>.

¹⁸ MD Ashiquzzaman, "Access to Justice in Bangladesh: Problems & Prospect," *SSRN Electronic Journal*, 2023, <https://doi.org/10.2139/ssrn.4633773>.

¹⁹ Abdur Rahman Khan, "Legal Aid to Ensure Access to Justice in Bangladesh," *SSRN Electronic Journal*, 2019, <https://doi.org/10.2139/ssrn.3945515>.

²⁰ Musferat Mazrun Chowdhury and Shibly Islam, "The Role of Judiciary to Uphold Alternative Dispute Resolution in Bangladesh: An Analysis," *International Journal of Advanced Research* 8, no. 8 (August 31, 2020): 668–75, <https://doi.org/10.21474/IJAR01/11541>.

According to a report published by the Bangladesh Bar Council, the judiciary in Bangladesh has experienced a significant surge in the number of cases filed, while the rate of case resolution remains remarkably low. A substantial number of cases are either delayed or dismissed, and many remain pending for extended periods before reaching a final judgment. For example, cases that could be promptly resolved at the first instance level often become entangled in prolonged legal processes, consuming excessive time, effort, and resources. This phenomenon adversely impacts the quality of legal adjudication. When the judiciary is overburdened with an overwhelming caseload, judges and legal practitioners frequently face difficulties in devoting adequate attention to each matter. Consequently, the delivery of justice becomes suboptimal, even in relatively straightforward cases. The judiciary's incapacity to efficiently manage the growing volume of litigation poses a serious challenge that urgently calls for comprehensive institutional reform.

²¹ Ahmed Ragib Chowdhury, "Utilizing the Institutional Arbitration and Community Mediation Model of Singapore, South Korea, Malaysia and Philippines for Bangladesh," *SSRN Electronic Journal*, 2022, <https://doi.org/10.2139/ssrn.4027518>.

22 Subrata Banarjee, "Identifying Factors of Sexual Violence against Women and Protection of Their Rights in Bangladesh," *Aggression and Violent Behavior* 52 (May 2020): 101384, <https://doi.org/10.1016/j.avb.2020.101384>; Md Jahirul Islam, Masahiro Suzuki, and Nurunnahar Mazumder, "Promoting Access to Justice in Bangladesh: Towards a Hybrid Justice Model," *International Journal of Law, Crime and Justice* 77 (June 2024): 100655, <https://doi.org/10.1016/j.ijlcrj.2024.100655>; Atia Naznin, "Women's Right to Access to Justice: The Role of Public Interest Litigation in Bangladesh," *Australian Journal of Asian Law* 21, no. 2 (2021): 99-117, [https://download.ssrn.com/21/08/02/ssrn_id3875277_code258113.pdf?response-content-](https://download.ssrn.com/21/08/02/ssrn_id3875277_code258113.pdf?response-content-disposition=inline&X-Amz-Security-)
[disposition=inline&X-Amz-Security-](https://download.ssrn.com/21/08/02/ssrn_id3875277_code258113.pdf?response-content-disposition=inline&X-Amz-Security-)

Token=IQOjb3JpZ2luX2VjEPL%2F%2F%2F%2F%2F%2F%2F%2F%2F%2FwEaCXVzLWVhc3QtMSJHMEUCIG%2BxGYQpiz9qPQSwcPhpcik4FWTjV9OMX4s%2F%2Ff4mActPAiEAj1ap8eP%2FaOjKE3qqXj5Px2ITKdColZ2Z8kf104feq%2BkqvglUaxAEGgwzMDg0NzUzMDEyNTciDKDnXrdbWxo10evkrCqBdex141glafVvvBpgo8iVGZXfmcZaSOINNSLO1DtACZuLqxBoF0yGcWcr9JZ%2BoWSWP%2Boo9a8Mr3vkwpyUup9CN3OgHpVKbNWGEWhlbtbvpbavmmWdOx4O5yV6QK9JwoZHuQwrkxxg%2Fcxzx1Ar1uzmalhyjDzwLczPGHb6aRQIANHXSx7ZZVEo7PfLeR86RtEbv%2FsnE7T9u8qFyKaP2TnKlwTnxog95qyCxT3h%2B3JofboDTS5zlvL91%2Fy%2BLm%2Bt9rYyIetSGMitwEymBEu5gOtzqDndcxWPWlbmO562czP08UMh8r0%2F4I%2BmXxCSBGi6RNFVVgUIHP5Qz%2F22yMedMeYiGr%2FHHjWs qIP93p%2FTMswWojgHiGjBgnbKcBYv%2BKwVZ%2FsnIqht88YX1YINaqWIPOhDsHLhyPa3ZRL%2BmGiXjw7QxtcKVKQ0JxTz5ZzXYNtln8%2F4j9Vxl8gEdiZSCJbqPrfRybf418jc7FG9d81aZOGC9FPJ%2BozVyB1ZeOviruVY%2BicMu7TlBTyppvRDD0rPv6GkHNDH2Nd%2FL3%2BGRM9qhsxihf5jqfDvebQ5TnDAiUo2Gn9gzMY%2BRr67tfNoQXvMAP9NvWi%2Bfc53cBOZBexOc07DfWBklEeeUZCngO6d%2BlMCNkzcmKxL3CHIRVOXZACblqM6tufZ2aTvoZtGRmrbWareKl4wmqZOCNDQuMLglgIngu6LieSk3gX04R9S9eliZlizRa%2FPBj4gOjbsPVfaVheRRyAPcGkvm5EcHDzYqZK5zPxce4xdk1aboMk9gYd7LnqsZ7bWjb61VVLqhdhL%2BmnTTw8uw3GV3MBgA3Chjs2LakG0lIXjwk8olsmlI0w9mLfuROL71cDWDwauYbm3%2FYFsQxaRfAhD%2BROMrswv%2F%2FRvwY6sQGwNof2HckZ8iXF0ZUzB2NfvVPxggKSQ68YoM9gH7gnDKHWBbQrEtz3lXuv%2B0aTSJbeOLwApScMLBQMH50QGmi0klpYGMiCgKTBG7XARnY2Rd2AmEtWU4FmXpUitwEkEwYUxcvI7Rno8vgLcZ2%2F9fO9pd%2FZxsqxmJyo

Lawyers Association, women in Bangladesh consistently encounter systemic discrimination within the judiciary, both in terms of legal procedures and the admissibility of evidence presented on their behalf.²³ In numerous instances, women involved in legal disputes – whether civil or criminal – are denied equal opportunities to speak or defend their rights before the court. Traditional dispute resolution mechanisms, which often prevail at the village level, tend to exacerbate this inequity, as decisions are frequently rendered by conservative community leaders who lack gender sensitivity. In some documented cases, women were even denied the opportunity to testify or to represent themselves during legal proceedings. Moreover, a lack of legal awareness significantly hinders women's access to justice. According to a report by the National Legal Aid Services Organization, over 40% of women in Bangladesh are unaware of where to seek legal assistance.²⁴ This lack of legal literacy, combined with their limited capacity to access affordable legal aid, contributes to their continued marginalization within the formal judicial system.

To address the issue of gender disparity, it is essential to formulate more inclusive and gender-sensitive policies, as well as to provide targeted training for legal professionals on the importance of respecting women's rights within judicial processes. Such reforms must include the establishment of gender-responsive dispute resolution mechanisms and the strengthening of legal aid institutions that can offer adequate support to women in need. Despite having a robust legal framework, the formal justice system in Bangladesh continues to face numerous challenges that hinder access to justice, particularly for marginalized groups and women. Inefficient case management, the high costs and prolonged duration of legal proceedings, and the excessive backlog of unresolved cases remain significant barriers to the realization of an equitable and effective justice system. Furthermore, the persistent gender gap in accessing the judiciary adds another layer of complexity to these challenges. Comprehensive reform is therefore necessary to address these structural issues. This includes enhancing the capacity of the judiciary, promoting more efficient alternative dispute resolution mechanisms, and reinforcing inclusive and gender-sensitive legal aid services. Without serious and sustained intervention, these obstacles will continue to impede the realization of justice for all segments of Bangladeshi society.

NaXWt0OGQxEwdWr%2BAXkDhyvDbWgNTjmDAPb4ppySddm%2FVn69eGVdDwRO1qd4HzZ751UjVdYWFQ%3D&X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Date=20250408T030628Z&X-Amz-SignedHeaders=host&X-Amz-Expires=300&X-Amz-Credential=ASIAUPUUPRWEREWUUMMY%2F20250408%2Fus-east-1%2Fs3%2Faws4_request&X-Amz-Signature=3dc965b6d26f99773be24566acecdcf1db50b624ba86d7e2aaab791b6185dcb&abstractId=3875277.

²³ Bangladesh National Women Lawyers' Association, "Violence Against Women in Bangladesh," bnwla-bd.org, November 30, 2014, <https://bnwla-bd.org/news-events/violence-against-women-in-bangladesh/>.

²⁴ National Legal Aid Services Organization, "National Legal Aid Services Organization Law & Justice Division," nlaso.portal.gov.bd, 2019, https://nlaso.portal.gov.bd/sites/default/files/files/nlaso.portal.gov.bd/annual_reports/4264134d_fcc9_487c_906a_8531a0539460/0559eb416edf65806136ac1b440b231d.pdf.

3.2. Traditional Dispute Resolution Mechanisms: A Gendered Perspective

The traditional dispute resolution system in Bangladesh has deep historical roots within the social structure of its communities, particularly in rural areas where the formal judicial system is often perceived as a last resort for resolving legal disputes.²⁵ While these mechanisms have made significant contributions to swift and community-based conflict resolution, they are also characterized by structural challenges that hinder the fulfillment of substantive justice, particularly in the context of gender equity. These systems are predominantly controlled by male community leaders, lack adequate safeguards for women, and frequently reinforce patriarchal norms that position women in a subordinate role within legal decision-making processes. As a result, the traditional dispute resolution system often fails to uphold the principles of fairness and equality for all parties involved. Accordingly, it is imperative to undertake a critical examination of traditional dispute resolution mechanisms through a gender-sensitive lens, taking into account the relevant statutory frameworks and their impact on women's access to justice. Such an analysis is necessary not only to ensure the protection of fundamental rights but also to align customary practices with the broader goals of legal reform and gender justice.

The traditional dispute resolution system in Bangladesh is primarily conducted through *shalish*, a village-level deliberative forum led by community elders or *matbors* who hold social influence.²⁶ Historically, *shalish* has served as an alternative dispute resolution mechanism that is both faster and more cost-effective than formal court proceedings.²⁷ However, due to its informal nature and lack of strict legal structure, *shalish* often becomes a venue for customary legal practices that are discriminatory, particularly against women and other vulnerable groups. According to existing regulations, this mechanism is not fully recognized as part of the formal judicial system. Although the Village Court Act, 2006 provides a legal basis for the existence of village courts as part of the semi-formal justice system, the implementation of this law continues to face significant challenges, particularly in relation to adherence to human rights principles and gender equality. Specifically, many *shalish* forums continue to operate outside the formal legal framework, relying on customary laws that often conflict with the principles of modern justice as enshrined in the Constitution of Bangladesh, which guarantees equality before the law for all citizens.

²⁵ Nasir Uddin, "Rationale for Access to Local Justice Systems: The Case of Village Court in Bangladesh," *Public Affairs And Governance* 7, no. 2 (2019): 160, <https://doi.org/10.5958/2321-2136.2019.00012.2>; Mohammad Tarikul Islam, "Rural Dispute Resolution in Bangladesh: How Do Village Courts Safeguard Justice?," *Contemporary South Asia* 27, no. 1 (January 2, 2019): 58–65, <https://doi.org/10.1080/09584935.2019.1573214>; Muhammad Rafiqul Hoque and Muhammad Mustaqim Mohd Zarif, "Traditional Shalish System for Rural Dispute Resolution in Bangladesh: An Analytical Study of Its Structure and Operational Mechanism," *IIUC Studies* 16 (November 5, 2020): 35–56, <https://doi.org/10.3329/iiucs.v16i0.50136>.

²⁶ Hoque and Zarif, "Traditional Shalish System for Rural Dispute Resolution in Bangladesh: An Analytical Study of Its Structure and Operational Mechanism."

²⁷ Md. Zarif Rahman, "Effectiveness of Alternative Dispute Resolution (ADR) in Rural Area of Bangladesh: A Study on Village Shalish System of Madhukhali Upazilla," *Sociology International Journal* 6, no. 3 (2022): 105–8, <https://doi.org/10.15406/sij.2022.06.00271>.

Dispute resolution practices through *shalish* are often influenced by the interests of local elites who seek to preserve the patriarchal status quo.²⁸ The decisions rendered are not always based on principles of fair legal reasoning, but rather on entrenched social norms, which frequently disadvantage the weaker parties, particularly women. This presents a serious concern, as *shalish* remains the primary mechanism for many rural communities with limited access to the formal judicial system.²⁹ One of the most significant criticisms of traditional dispute resolution mechanisms in Bangladesh is their lack of gender sensitivity in legal decision-making. Women are often denied the opportunity to voice their opinions or defend themselves in *shalish* forums. In some cases, even women who are victims of gender-based violence fail to receive adequate protection, and instead, are coerced into accepting outcomes that are contrary to their interests.

According to the Prevention of Oppression Against Women and Children Act, 2000, all forms of discrimination and violence against women must be addressed with firm legal measures. However, in practice, traditional dispute resolution mechanisms frequently disregard these legal provisions, particularly in cases involving domestic violence, forced marriage, or sexual harassment. For instance, in many *shalish* forums, women who have experienced sexual harassment or rape are often compelled to marry their perpetrators as a form of dispute settlement. Such practices are fundamentally at odds with the principles of natural justice, which prioritize the protection of victims and the safeguarding of their legal rights. Furthermore, national regulations such as the National Women Development Policy, 2011 explicitly emphasize the importance of protecting women's rights across all areas of life, including within the legal system. Nevertheless, the implementation of such policies has proven insufficient to penetrate the deeply entrenched patriarchal structures that persist across many regions of Bangladesh. As a result, women continue to face systemic barriers in accessing justice, both within the formal judicial system and through traditional dispute resolution mechanisms.

Socio-cultural barriers play a significant role in limiting women's access to justice within traditional dispute resolution mechanisms. In many rural communities across Bangladesh, conservative social norms continue to dominate decision-making structures.³⁰ Women are often perceived as second-class citizens within customary legal systems, where their voices carry considerably less weight than those of men.³¹ Women who attempt to seek justice through formal legal channels frequently encounter social stigma and threats from their own communities. The concept of shame and honor remains deeply embedded in rural cultural frameworks, wherein women who report incidents such as harassment or domestic violence

²⁸ Habibul Haque Khondker, "Modern Law, Traditional 'Shalish' and Civil Society Activism in Bangladesh," 2015, 31–49, https://doi.org/10.1007/978-3-319-09605-6_3.

²⁹ Fauzia Erfan Ahmed, "The Compassionate Courtroom: Feminist Governance, Discourse, and Islam in a Bangladeshi Shalish," *Feminist Formations* 25, no. 1 (March 2013): 157–83, <https://doi.org/10.1353/ff.2013.0005>.

³⁰ Sidney Ruth Schuler, Lisa M. Bates, and Farzana Islam, "Women's Rights, Domestic Violence, and Recourse Seeking in Rural Bangladesh," *Violence Against Women* 14, no. 3 (March 1, 2008): 326–45, <https://doi.org/10.1177/1077801207313970>.

³¹ Md. Anwar Hossain, "Influence of Social Norms and Values of Rural Bangladesh on Women's Participation in the Union Parishad," *Indian Journal of Gender Studies* 19, no. 3 (October 16, 2012): 393–412, <https://doi.org/10.1177/097152151201900303>.

are often viewed as threats to familial honor. As a result, many women are reluctant to report their cases or seek more effective legal remedies. Furthermore, the low level of legal literacy among women constitutes a major barrier to justice. According to a survey conducted by the Bangladesh Bureau of Statistics, only approximately 30% of women in rural areas possess a basic understanding of their legal rights. This lack of legal awareness is a primary factor that contributes to the continued entrenchment of women in unjust customary legal systems.

Legally, the Domestic Violence (Prevention and Protection) Act, 2010 provides a statutory framework aimed at protecting women from gender-based violence. However, its implementation at the community level remains significantly weak due to deeply rooted cultural and social barriers. Women who attempt to invoke the legal protections afforded under this Act frequently encounter resistance from their own families, who often prefer resolving disputes through *shalish*, a traditional mechanism that fails to provide fair and just outcomes for victims. Empirical data indicate that women's access to justice in Bangladesh remains highly constrained, particularly within the context of traditional dispute resolution mechanisms. According to a report by the National Legal Aid Services Organization, approximately 41% of women in Bangladesh are unaware of where to seek legal assistance in cases of disputes or violence.³² This lack of legal awareness exacerbates gender disparities in access to justice and reinforces the dominance of customary legal practices that often lack fairness and impartiality. In addition, a study conducted by the Countering Backlash revealed that over 60% of decisions rendered in *shalish* forums fail to adequately incorporate women's perspectives.³³ The outcomes of such proceedings often favor male parties, even in cases that clearly involve gender-based injustice. These deficiencies within the traditional dispute resolution system highlight the urgent need for more inclusive legal reforms. A human rights-based approach must be prioritized in community-level dispute resolution processes, ensuring that women are granted greater participation and influence in legal decision-making.

The traditional dispute resolution system in Bangladesh, while offering advantages in terms of efficiency and community proximity, continues to face serious challenges concerning gender justice.³⁴ The male-dominated nature of decision-making processes, the absence of adequate protective mechanisms for women, and entrenched socio-cultural barriers have collectively created a legal environment that is inherently unjust to women. To address these issues, comprehensive reform of traditional dispute resolution mechanisms is imperative. This includes strengthening the participation of women in legal processes and ensuring that all decisions rendered are consistent with the principles of justice as enshrined in the Constitution and relevant statutory laws of Bangladesh. Without serious and sustained intervention, the traditional dispute resolution system will remain a significant barrier to women's access to justice.

³² National Legal Aid Services Organization, "National Legal Aid Services Organization Law & Justice Division."

³³ Maheen Sultan et al., "Analysis of Voice and Agency in Countering Backlash Against Gender Justice: Synthesis of Three Policy Cases in Bangladesh," November 2024, <https://doi.org/10.19088/BACKLASH.2024.005>.

³⁴ Laila Ashrafun and Minna Säävälä, "Domestic Violence Made Public: A Case Study of the Use of Alternative Dispute Resolution among Underprivileged Women in Bangladesh," *Contemporary South Asia* 22, no. 2 (April 3, 2014): 189–202, <https://doi.org/10.1080/09584935.2014.899983>.

3.3. Legal Framework for ADR in Bangladesh

The judicial system in Bangladesh faces fundamental challenges due to the growing backlog of cases, which continues to place a significant burden on the formal justice mechanism. With more than four million pending cases, the urgency of strengthening out-of-court dispute resolution mechanisms has become increasingly evident. ADR emerges as a legal instrument with substantial potential to enhance the efficiency of dispute resolution, alleviate the pressure on the judiciary, and expand access to justice for all segments of society. Bangladesh has enacted a range of legal instruments governing the use of ADR mechanisms across various legal domains. These legislative measures are intended to promote dispute resolution outside of conventional litigation processes, which are often protracted, costly, and inefficient. As awareness of the benefits of ADR continues to grow, Bangladesh has undertaken systematic reforms to strengthen and institutionalize ADR within its judicial framework. To provide a solid legal foundation for the implementation of ADR, several key statutes have been introduced or amended to incorporate mediation and arbitration procedures into dispute resolution processes. One notable development is the Code of Civil Procedure, 1908 (Amendment of 2003), which introduced court-annexed mediation as part of the civil litigation process. Under this amendment, courts are empowered to encourage disputing parties to resolve their disputes through mediation prior to proceeding to full litigation. This approach seeks to reduce the caseload of the courts and offer a faster, more amicable resolution for the parties involved. In addition, the Arbitration Act, 2001 serves as the principal legislative framework governing arbitration in Bangladesh. This Act regulates both domestic and international arbitration proceedings and incorporates the principles of the UNCITRAL Model Law on International Commercial Arbitration. The enactment of this legislation underscores Bangladesh's commitment to fostering a more conducive and investment-friendly business environment by providing an efficient and reliable dispute resolution mechanism.

At the community level, the Village Court Act, 2006 provides the legal basis for the establishment of village courts, which are designed to resolve disputes at the local level. Village courts play a significant role in addressing conflicts within rural communities without resorting to the formal judicial system, which is often perceived as complex, time-consuming, and expensive. Nevertheless, the effectiveness of village courts remains contested due to several challenges, including limited legal capacity, insufficient resources, and the undue influence of local elites, which may compromise the fairness and impartiality of the decision-making process. In the domain of family law, the Muslim Family Laws Ordinance, 1961 introduces a mediation-based approach to the resolution of domestic disputes, including matters related to divorce and child custody. This approach aims to provide quicker, less adversarial resolutions and to avoid protracted conflicts that may adversely affect family welfare, particularly the well-being of children. By offering mediation as an alternative to litigation, the ordinance encourages the disputing parties to reach equitable and mutually agreeable solutions. In addition to the aforementioned statutory instruments, various community-based initiatives have integrated ADR mechanisms into dispute resolution processes. Organizations such as the National Legal Aid Services Organization and numerous non-governmental organizations are actively engaged in promoting ADR as a viable

alternative to conflict resolution. Through legal aid programs, public awareness campaigns, and capacity-building training, these efforts aim to enhance community understanding of ADR and encourage broader utilization of non-adversarial legal mechanisms.

The legal recognition of ADR in Bangladesh encompasses two principal mechanisms: mediation and arbitration.³⁵ Mediation has increasingly gained legal legitimacy through the Code of Civil Procedure, 1908, along with several other statutory instruments. However, the effectiveness of mediation continues to face a number of challenges, including limited legal awareness among the general public, the absence of sufficient legal incentives to encourage the use of mediation, and structural barriers such as the pervasive influence of patriarchal legal systems that often hinder women's participation in the mediation process.

Meanwhile, arbitration has been recognized as a more formal dispute resolution mechanism compared to mediation, particularly in commercial and business-related disputes. The Arbitration Act, 2001 provides the legal framework for resolving disputes through arbitration, both domestically and internationally. Nevertheless, the implementation of arbitration continues to face several challenges. One issue is the lack of independence and transparency in arbitral proceedings, especially in cases involving political actors or large corporate entities. This has often led to a general mistrust of arbitration as a fair and neutral mechanism for dispute resolution. Moreover, although Bangladesh has ratified The New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958, the enforcement of international arbitral awards still encounters considerable obstacles. Lengthy legal procedures and cumbersome bureaucratic processes frequently undermine the efficiency of enforcement, thereby diminishing the appeal of arbitration as an effective dispute resolution method. Another major challenge lies in the limited human resource capacity in the field of arbitration. The number of certified arbitrators remains insufficient, which affects the overall quality and effectiveness of arbitration in the country. Therefore, investment in the training and certification of arbitrators is essential to enhance professional competence and ensure the credibility of arbitration proceedings. As part of broader efforts to address the judicial backlog, ADR holds considerable potential to expedite dispute resolution, reduce the financial burden on justice seekers, and ensure legal protection for marginalized groups. However, the effectiveness of ADR remains constrained by the weak synergy between the formal judiciary and ADR mechanisms, as well as inconsistencies in the implementation and enforcement of ADR outcomes in legal practice.

In international practice, numerous countries have developed more advanced and efficient ADR systems to address disputes expeditiously and alleviate the burden on formal judicial systems. An effective ADR framework not only enhances access to justice but also reduces dependency on litigation processes, which are often lengthy and costly. As a developing country with a legal system undergoing continuous reform, Bangladesh stands to benefit from studying and adapting various ADR models implemented in other jurisdictions. One notable example is India, which has successfully institutionalized ADR through the *Lok Adalat* system a community-based dispute resolution mechanism that has contributed to

³⁵ Chowdhury, "Utilizing the Institutional Arbitration and Community Mediation Model of Singapore, South Korea, Malaysia and Philippines for Bangladesh."

reducing case backlogs.³⁶ Rooted in traditional forms of local dispute resolution, *Lok Adalats* provide a platform for disputing parties to settle their issues without recourse to formal court proceedings.³⁷ The Legal Services Authorities Act, 1987 provides the legal foundation for Lok Adalats, enabling them to deliver swift and efficient resolutions. Importantly, decisions rendered by *Lok Adalats* carry the same legal weight as judgments delivered by formal courts, thus making them binding and final. *Lok Adalats* handle not only civil matters but also minor criminal cases that are amenable to consensual resolution. This model has proven effective in resolving disputes involving civil rights, land conflicts, and family issues. Bangladesh could adopt a similar approach by strengthening village courts and expanding the scope of ADR mechanisms to cover both civil and minor criminal matters. Enhancing the role of local communities in dispute resolution could reduce the caseload of the formal judiciary and improve access to timely and affordable justice. Furthermore, it is imperative for Bangladesh to formulate policies that support active community participation in ADR processes, while also providing training to local mediators and arbitrators to ensure that disputes are resolved effectively and fairly. In addition to India, the United Kingdom has widely integrated court-annexed mediation into its judicial system. The Civil Procedure Rules (CPR), Part 1 and Part 26 mandate courts to consider ADR options before proceeding to trial. This policy aims to promote out-of-court settlement of disputes, ensuring that only cases requiring formal legal intervention proceed through litigation. By mandating mediation as a preliminary step, the UK legal system has managed to reduce the number of cases filed in court and expedite the resolution process. A key feature of the UK's ADR system is the availability of professional and trained mediators who assist parties in reaching fair and mutually acceptable outcomes.³⁸ The mediation process applies not only to civil disputes but also to commercial conflicts and certain categories of criminal cases. Bangladesh could replicate this model by instituting a mandatory pre-litigation mediation policy. Such a mechanism would encourage parties to resolve their disputes in a more peaceful and cooperative manner, while simultaneously easing the pressure on the formal justice system. The United States is another jurisdiction with a well-developed ADR system. One of the core components of ADR in the U.S. is the Mandatory Arbitration Program, particularly in commercial and civil disputes.³⁹ Mandatory arbitration is commonly stipulated in business contracts, employment disputes, and consumer claims. This system allows parties to resolve their issues without engaging in protracted and costly court proceedings. Additionally, ADR in the U.S. has evolved in the area of family law, where disputes concerning divorce, child custody, and property division are frequently resolved through mediation or arbitration before entering formal court procedures.

³⁶ Afroz Ansari, "Lok Adalat in India," *International Journal For Multidisciplinary Research* 5, no. 2 (March 3, 2023), <https://doi.org/10.36948/ijfmr.2023.v05i02.1752>.

³⁷ A Nakappan and Dr.P Angayarkanni, "A Study on Functioning of Lok Adalat System with Special References to Tamilnadu," *International Scientific Journal of Engineering and Management* 02, no. 07 (July 17, 2023), <https://doi.org/10.55041/ISJEM01281>.

³⁸ Tariq Iqbal, "Alternative Dispute Resolution in Commercial Transactions: A Comparative Study between the UK and Bangladesh Jurisdiction," *Revista Brasileira de Alternative Dispute Resolution* 06, no. 12 (December 2024), <https://doi.org/10.52028/rbadr.v6.i12.ART10.BGL>.

³⁹ Abida Hassan and Dil Muhammad Malik, "Dispute Resolution Practices in USA, Australia and UK/EU," *Global Social Sciences Review* IV, no. I (March 30, 2019), [https://doi.org/10.31703/gssr.2019\(IV-I\).48](https://doi.org/10.31703/gssr.2019(IV-I).48).

Bangladesh could draw valuable lessons from this model by strengthening arbitration mechanisms in the business and investment sectors. As a developing economy with growing commercial activities, Bangladesh requires a reliable dispute resolution framework that provides legal certainty for investors and business actors. Effective and credible arbitration institutions can improve the investment climate and offer better legal protection for businesses. To achieve this, Bangladesh must reinforce existing arbitration institutions, ensure arbitrators possess adequate expertise, and establish regulations that promote the use of arbitration across various economic sectors.

In addition to the models previously discussed, there are various other ADR approaches that merit consideration. One such approach is the system of restorative justice, which has been implemented in several jurisdictions to address certain categories of criminal cases. Restorative justice emphasizes the restoration of relationships between victims and offenders, seeking solutions that aim to repair the harm caused by criminal acts. This model has been adopted in countries such as Canada, New Zealand, and South Africa to address offenses including minor crimes, juvenile delinquency, and cases involving indigenous communities. Bangladesh could incorporate restorative justice into its legal framework, particularly in dealing with cases involving juveniles or first-time offenders. By providing offenders with an opportunity to take responsibility for their actions and to make amends—rather than relying solely on incarceration-based punishment—this system has the potential to reduce crime rates and enhance the sense of justice within society. Furthermore, the application of restorative justice could contribute to alleviating prison overcrowding, which remains a persistent issue in the Bangladeshi penal system. Through this approach, the legal system may foster rehabilitation over retribution, promote social cohesion, and ensure a more humane and community-centered form of criminal justice.

An effective ADR system also requires robust governmental support and a clear legal framework. It is essential to ensure that the policies governing ADR are aligned with national laws and conform to international standards. The government must allocate adequate resources to support the development of ADR mechanisms, including the training of mediators and arbitrators, the funding of ADR programs, and the establishment of infrastructure necessary to facilitate the widespread implementation of ADR processes. Moreover, it is imperative for the government to enhance public awareness regarding the benefits of ADR and to encourage active community participation in dispute resolution through non-litigious means. The success of ADR in various jurisdictions demonstrates its potential as an effective tool for addressing systemic challenges within the formal justice system. By studying the experiences of other countries and adapting models that are compatible with the local context, Bangladesh can develop a more effective and efficient ADR system that ensures broader access to justice for its population. Consequently, ADR reform in Bangladesh would not only contribute to reducing the case backlog in the courts but also strengthen public trust in the legal system. Furthermore, it would foster a culture of peaceful and equitable dispute resolution, thereby reinforcing the foundational principles of justice within the broader legal and social framework of the nation.

3.4. Strengthening Gender-Sensitive ADR and Legal Aid Services

The implementation of gender-responsive ADR mechanisms and the strengthening of legal aid services constitute fundamental components in establishing an inclusive and equitable justice system in Bangladesh. A fair legal system must guarantee equal access for all segments of society – including women – to resolve disputes effectively and justly. However, in practice, the application of ADR in Bangladesh continues to face significant challenges in safeguarding the rights of women, particularly those from marginalized communities. Under the Bangladeshi legal framework, ADR has been incorporated into various legislative instruments, including the Code of Civil Procedure, 1908 (Amendment of 2003), which governs court-annexed mediation; the Arbitration Act, 2001, which reflects international arbitration principles; and the Village Court Act, 2006, which facilitates dispute resolution through village courts. Despite these legal provisions, the implementation of gender-sensitive ADR remains suboptimal due to institutional limitations, a prevailing patriarchal legal culture, and a general lack of public awareness regarding the potential of ADR to protect women's rights. Therefore, more progressive policies are necessary to enhance gender-inclusive ADR mechanisms that provide improved access to justice for women, particularly those who are victims of structural injustice. The Government of Bangladesh must adopt more inclusive approaches to ensure that the ADR mechanisms in practice offer robust legal protection for women. One key policy recommendation involves tailoring ADR procedures – whether mediation, arbitration, or village courts – to be more responsive to the specific needs of women. Furthermore, legislation should mandate the inclusion of female mediators or arbitrators in cases where women are the aggrieved parties. This measure would help create a negotiation environment that is safer and more comfortable for women and would mitigate gender bias in the dispute resolution process.

The capacity of the National Legal Aid Services Organization, as the state institution mandated to provide legal aid to impoverished and vulnerable groups, must be strengthened to more effectively reach women in need of legal assistance. Pursuant to the provisions of the Legal Aid Services Act, 2000, NLASO is obligated to offer free legal aid to those who are unable to afford legal representation, including women who are victims of violence and legal discrimination. However, in practice, limitations in human resources and budget allocation present significant barriers to ensuring the equitable provision of legal aid services. Therefore, it is imperative for the government to increase budgetary allocations for NLASO and expand its legal aid network to the village level, thereby facilitating easier access to legal services for women residing in remote and rural areas. In addition to strengthening NLASO's institutional capacity, collaboration with non-governmental organizations (NGOs) and community-based groups is essential to ensuring the sustainability of legal aid services for women. The role of NGOs in providing legal assistance, policy advocacy, and legal education is crucial in enhancing women's legal awareness and empowering them to assert their rights. In Bangladesh, organizations such as Ain o Salish Kendra (ASK) and the Bangladesh Legal Aid and Services Trust (BLAST) have played a pivotal role in delivering legal support to women who are victims of violence and legal exploitation. Accordingly, a more structured collaboration between the government, NLASO, and NGOs must be established. Such cooperation should encompass joint funding mechanisms, integrated training programs for

mediators and legal advocates, and the provision of accessible legal consultation services for women who face systemic discrimination within the justice system.

Legal awareness campaigns play an equally vital role in enhancing access to justice for women. Available data indicate that many women in Bangladesh continue to face significant barriers in accessing justice, primarily due to limited awareness of their legal rights.⁴⁰ Therefore, implementing legal education programs targeted at women particularly those in rural areas constitutes a strategic measure to empower them to assert their rights through both ADR mechanisms and formal litigation channels. Such campaigns should be widely disseminated through various media platforms, including community radio, social media, and community-based training programs. The government may collaborate with women's organizations and educational institutions to integrate legal education into school curricula and women's empowerment initiatives, thereby fostering legal awareness from an early age. In a broader context, the implementation of gender-inclusive ADR must also be accompanied by more progressive legal reforms, especially in the areas of family law and criminal law. The Muslim Family Laws Ordinance, 1961, which remains the principal legal reference for resolving family disputes in Bangladesh, requires revision to become more responsive to the specific needs of women. For instance, in matters such as divorce and child custody, ADR mechanisms must be structured to provide women with stronger bargaining positions so that they are not disadvantaged by the patriarchal norms that continue to dominate the family law system. Furthermore, in cases involving violence against women, ADR procedures must be subject to stricter regulation to ensure that they are not misused as tools to pressure victims into reconciliation with perpetrators, without adequate legal protection.⁴¹ Ensuring that ADR does not undermine the rights of women in such contexts is essential for establishing a just and equitable legal framework.

Therefore, the strengthening of gender-responsive ADR mechanisms and the enhancement of legal aid services for women in Bangladesh require a comprehensive, human rights-based approach. The government must take an active role in formulating and implementing policies that ensure women have equal access to fair and secure dispute resolution processes. Synergy among state institutions, civil society organizations, and the legal community is essential in developing a more inclusive and equitable ADR system. Through such coordinated efforts, the Bangladeshi legal system can become more adaptive in addressing the challenges of gender inequality and more effective in delivering broader access to justice for all segments of society.

4. Conclusions

A challenge to access to justice in Bangladesh lies in addressing the backlog of court cases and the urgent need to implement gender-sensitive ADR mechanisms. The Bangladeshi judicial system is significantly burdened by delays in case resolution, which adversely affects

⁴⁰ Nazmun Sakib Ety and Badsha Mia, "Access to Justice for Women: A Comparative Study between Subarnachar and Begumganj Upazila of Noakhali District," *Daengku: Journal of Humanities and Social Sciences Innovation* 4, no. 5 (September 14, 2024): 900–908, <https://doi.org/10.35877/454RI.daengku2959>.

⁴¹ Subrata Banarjee, "Identifying Factors of Sexual Violence against Women and Protection of Their Rights in Bangladesh," *Aggression and Violent Behavior* 52 (May 2020): 101384, <https://doi.org/10.1016/j.avb.2020.101384>.

individuals' rights to timely and effective justice. One of the primary solutions proposed to alleviate this problem is the strengthening of ADR mechanisms as a more efficient tool for resolving disputes outside the formal judicial process. Such an approach not only helps to reduce the caseload of the courts but also expands access to justice for vulnerable groups, particularly women, who often face structural and procedural barriers within conventional legal frameworks. The implementation of gender-responsive ADR is essential to ensure that alternative dispute mechanisms genuinely safeguard the rights of women and marginalized populations. This includes the increased participation of female mediators, the development of inclusive policies, and the enhancement of public awareness about the benefits of ADR. In addition, institutional reforms within the judicial system—such as capacity-building for judges and legal officers, as well as the digitalization of legal processes—can contribute to more efficient case management. Through effective collaboration among the government, legal institutions, and civil society organizations, these reforms can be meaningfully advanced to enhance access to justice across Bangladesh. Thus, a holistic approach—encompassing the reduction of case backlogs, the establishment of gender-sensitive ADR, and the advancement of institutional reform and legal digitalization—constitutes a strategic pathway toward achieving inclusive and sustainable access to justice in Bangladesh.

5. Acknowledgments

In completing this article, "Access to Justice in Bangladesh: Addressing Case Backlogs and Promoting Gender-Sensitive Alternative Dispute Resolution," I would like to take a moment to extend heartfelt gratitude to myself. For the discipline to persevere through long nights and complex analyses, for the resilience to push through moments of doubt, and for the commitment to keep learning, questioning, and writing with purpose, I am proud of the dedication and growth that this journey has demanded and inspired. This work stands as a testament not only to academic curiosity but also to personal endurance. May this milestone serve as a reminder that with perseverance, clarity of purpose, and belief in the value of one's voice, meaningful contributions to knowledge and justice are always within reach.

6. Reference

- Ahmed, Fauzia Erfan. "The Compassionate Courtroom: Feminist Governance, Discourse, and Islam in a Bangladeshi Shalish." *Feminist Formations* 25, no. 1 (March 2013): 157–83. <https://doi.org/10.1353/ff.2013.0005>.
- Alam, Kazi Masudul, J.M. Ashfiquir Rahman, Anisha Tasnim, and Aysha Akther. "A Blockchain-Based Land Title Management System for Bangladesh." *Journal of King Saud University-Computer and Information Sciences* 34, no. 6 (June 2022): 3096–3110. <https://doi.org/10.1016/j.jksuci.2020.10.011>.
- Alam, Md. Habib. "Alternative Dispute Resolution (ADR): A New Key for Implementing Civil Justice in Bangladesh." *IOSR Journal of Humanities and Social Science* 19, no. 1 (2014): 88–94. <https://doi.org/10.9790/0837-191128894>.
- Ansari, Afroz. "Lok Adalat in India." *International Journal For Multidisciplinary Research* 5, no. 2 (March 3, 2023). <https://doi.org/10.36948/ijfmr.2023.v05i02.1752>.
- Ashiquzzaman, MD. "Access to Justice in Bangladesh: Problems & Prospect." *SSRN Electronic Journal*, 2023. <https://doi.org/10.2139/ssrn.4633773>.
- Ashrafun, Laila, and Minna Säävälä. "Domestic Violence Made Public: A Case Study of the Use of Alternative Dispute Resolution among Underprivileged Women in Bangladesh." *Contemporary South Asia* 22, no. 2 (April 3, 2014): 189–202. <https://doi.org/10.1080/09584935.2014.899983>.

- Banarjee, Subrata. "Identifying Factors of Sexual Violence against Women and Protection of Their Rights in Bangladesh." *Aggression and Violent Behavior* 52 (May 2020): 101384. <https://doi.org/10.1016/j.avb.2020.101384>.
- — —. "Identifying Factors of Sexual Violence against Women and Protection of Their Rights in Bangladesh." *Aggression and Violent Behavior* 52 (May 2020): 101384. <https://doi.org/10.1016/j.avb.2020.101384>.
- Bangladesh National Women Lawyers' Association. "Violence Against Women in Bangladesh." bnwla-bd.org, November 30, 2014. <https://bnwla-bd.org/news-events/violence-against-women-in-bangladesh/>.
- Chowdhury, Ahmed Ragib. "Utilizing the Institutional Arbitration and Community Mediation Model of Singapore, South Korea, Malaysia and Philippines for Bangladesh." *SSRN Electronic Journal*, 2022. <https://doi.org/10.2139/ssrn.4027518>.
- Chowdhury, Musferat Mazrun, and Shibly Islam. "The Role of Judiciary to Uphold Alternative Dispute Resolution in Bangladesh: An Analysis." *International Journal of Advanced Research* 8, no. 8 (August 31, 2020): 668–75. <https://doi.org/10.21474/IJAR01/11541>.
- Ety, Nazmun Sakib, and Badsha Mia. "Access to Justice for Women: A Comparative Study between Subarnachar and Begumganj Upazila of Noakhali District." *Daengku: Journal of Humanities and Social Sciences Innovation* 4, no. 5 (September 14, 2024): 900–908. <https://doi.org/10.35877/454RI.daengku2959>.
- Hassan, Abida, and Dil Muhammad Malik. "Dispute Resolution Practices in USA, Australia and UK/EU." *Global Social Sciences Review* IV, no. I (March 30, 2019). [https://doi.org/10.31703/gssr.2019\(IV-I\).48](https://doi.org/10.31703/gssr.2019(IV-I).48).
- Hoque, Muhammad Rafiqul, and Muhammad Mustaqim Mohd Zarif. "Traditional Shalish System for Rural Dispute Resolution in Bangladesh: An Analytical Study of Its Structure and Operational Mechanism." *IIUC Studies* 16 (November 5, 2020): 35–56. <https://doi.org/10.3329/iiucs.v16i0.50136>.
- Hossain, Md. Anwar. "Influence of Social Norms and Values of Rural Bangladesh on Women's Participation in the Union Parishad." *Indian Journal of Gender Studies* 19, no. 3 (October 16, 2012): 393–412. <https://doi.org/10.1177/097152151201900303>.
- Hossain, Md. Milan. "Backlog of Cases - Civil and Criminal Justice: A Comparative Study, Bangladesh Perspective." *International Journal of Human Rights and Constitutional Studies* 6, no. 3 (2019): 214. <https://doi.org/10.1504/IJHRC.2019.10019221>.
- Iqbal, Tariq. "Alternative Dispute Resolution in Commercial Transactions: A Comparative Study between the UK and Bangladesh Jurisdiction." *Revista Brasileira de Alternative Dispute Resolution* 06, no. 12 (December 2024). <https://doi.org/10.52028/rbadr.v6.i12.ART10.BGL>.
- Islam, Md Jahirul, Masahiro Suzuki, and Nurunnahar Mazumder. "Promoting Access to Justice in Bangladesh: Towards a Hybrid Justice Model." *International Journal of Law, Crime and Justice* 77 (June 2024): 100655. <https://doi.org/10.1016/j.ijlcj.2024.100655>.
- Islam, Mohammad Saidul. "Efficiency and Effectiveness of Alternative Dispute Resolution Schemes Towards the Promotion of Access to Justice in Bangladesh." *IIUC Studies* 8 (September 10, 2014): 95–112. <https://doi.org/10.3329/iiucs.v8i0.20405>.
- Islam, Mohammad Tarikul. "Rural Dispute Resolution in Bangladesh: How Do Village Courts Safeguard Justice?" *Contemporary South Asia* 27, no. 1 (January 2, 2019): 58–65. <https://doi.org/10.1080/09584935.2019.1573214>.
- Kabir, Md Shahin, and Syeda Marufa Yeasmin. "Causes of Delay in Civil Litigation in Bangladesh." *SSRN Electronic Journal*, 2023. <https://doi.org/10.2139/ssrn.4488230>.
- Khan, Abdur Rahman. "Legal Aid to Ensure Access to Justice in Bangladesh." *SSRN Electronic Journal*, 2019. <https://doi.org/10.2139/ssrn.3945515>.

- 264

- Rahman, Md. Zarif. "Effectiveness of Alternative Dispute Resolution (ADR) in Rural Area of Bangladesh: A Study on Village Shalish System of Madhukhali Upazilla." *Sociology International Journal* 6, no. 3 (2022): 105–8. <https://doi.org/10.15406/sij.2022.06.00271>.
- Schuler, Sidney Ruth, Lisa M. Bates, and Farzana Islam. "Women's Rights, Domestic Violence, and Recourse Seeking in Rural Bangladesh." *Violence Against Women* 14, no. 3 (March 1, 2008): 326–45. <https://doi.org/10.1177/1077801207313970>.
- Sultan, Maheen, Mohaiminul Islam, Pragyna Mahpara, Iffat Jahan, and Shamsad Navia Novelly. "Analysis of Voice and Agency in Countering Backlash Against Gender Justice: Synthesis of Three Policy Cases in Bangladesh," November 2024. <https://doi.org/10.19088/BACKLASH.2024.005>.
- Tahura, Ummey. "Role of Clients, Lawyers, Judges, and Institutions in Hiking Litigation Costs in Bangladesh: An Empirical Study." *Asian Journal of Law and Society* 9, no. 1 (February 7, 2022): 59–80. <https://doi.org/10.1017/als.2020.26>.
- The Carter Center's. "Women and the Right of Access to Information in Bangladesh." www.cartercenter.org, May 2016. <https://www.cartercenter.org/resources/pdfs/peace/ati/bangladesh-women-mixed-methods-study-ati.pdf>.
- Uddin, Md. Ala. "Effective Implementation of ADR in the Civil Justice System of Bangladesh: A Critical Analysis." *Bangladesh Journal of Law*, December 2022. <https://doi.org/10.58710/bjlv20N2Y2022A05>.
- Uddin, Nasir. "Rationale for Access to Local Justice Systems: The Case of Village Court in Bangladesh." *Public Affairs And Governance* 7, no. 2 (2019): 160. <https://doi.org/10.5958/2321-2136.2019.00012.2>.