

Synergizing ADR With the Existing Legal System to Ensure Access to Justice for Sustainable Infrastructure Development in Bangladesh

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ABSTRACT

Bangladesh's rapid infrastructure development faces significant challenges, particularly in the realm of dispute resolution, where delays and inefficiencies in the formal legal system often hinder timely project completion. This paper explores the potential of synergizing Alternative Dispute Resolution (ADR) mechanisms with the existing legal framework to improve access to justice and facilitate sustainable infrastructure development. ADR, including arbitration, mediation, and negotiation, offers an efficient, cost-effective, and flexible alternative to traditional litigation. Despite the legal provisions for ADR under the Arbitration Act and Mediation Act, its integration into infrastructure-related disputes remains underutilized. This paper examines the benefits of ADR in addressing common infrastructure disputes, such as land acquisition, contractual issues, and environmental concerns, while identifying the challenges, such as limited institutional capacity, awareness, and enforcement issues, that hinder its widespread use. By proposing key reforms, including mandatory ADR clauses in contracts, strengthening judicial support, and enhancing capacity-building initiatives, this study outlines a pathway for more effective integration of ADR with the formal legal system. The findings suggest that such integration could not only alleviate judicial backlogs but also promote more sustainable and inclusive infrastructure development in Bangladesh, ultimately ensuring better access to justice for all stakeholders involved in infrastructure projects.

The authors declare no conflicts of interest.

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Data Availability Statement

The data that support the findings of this study are available on request from the corresponding author. The data are not publicly available due to privacy or ethical restrictions.

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