

The Impact of ADR towards Improving the Status of Poor Women:

Reformed Shalish and NGO-Based Mediation in Bangladesh

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ABSTRACT:

Women have long suffered in Bangladesh at the hands of society, through their families steeped in tradition, through their unequal status and through ineffective laws which are designed to protect them but are never truly enforced. Many attempts to improve the status and legal rights of women have failed against the longstanding culture of suppressing women.

Alternative Dispute Resolution (ADR) is a potential solution to this serious problem as its application in Bangladesh blends tradition with modern ideas by using shalish, the traditional village court, with intervention and education by NGO's to facilitate justice for women, a process we will call reformed shalish.

This paper, therefore, analyzes the history and socio-legal conditions of Bangladesh as well as the advantages reformed shalish is bringing not only to women but to society as a whole, as access to justice for all is an essential pre-condition for development. ADR through reformed shalish can contribute to improving women's status in Bangladeshi society.

INTRODUCTION:

In recent decades, ADR has become an increasingly important factor in discussion of law reform in developing countries, such as Sri Lanka, Bolivia and South Africa.¹ The introduction of ADR, and in some cases, its reform, is an attempt to bridge old, religious based legal practices with more equitable ones. The case in developing countries where poor women have limited access to justice and government has limited resources to protect them and empower them. ADR has been seen as a way of relieving these problems, not only for women but for many disadvantaged people in Bangladesh, such as the illiterate, the poor and rural residents. ADR, in fact, has been seen as a way of opening up justice for all.

Hence, the objective of this paper is to define ADR and its specific applications in addressing the difficulties faced by poor Muslim women in Bangladesh. In my study I used the term reformed shalish and NGO-based mediation to explain an ADR system in Bangladesh.

Moreover, in this study I tried to find out how NGO-based mediation groups also help local

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governments (Union Parishad/Ward)² solve Muslim women's matters in Arbitration Councils through ADR processes. According to Muslim Family Laws Ordinance 1961, the Arbitration Council "means a body consisting of the Chairman and a representative of each of the parties to a matter dealt with in this Ordinance."³ To examine reformed shalish, I focused my study on the activities of Madaripur Legal Aid Association (MLAA) a Bangladeshi NGO implementing longstanding ADR programs in three Districts of the country. The MLAA programs were selected for study in order to investigate a successful model of ADR and to consider the potential of ADR for helping Bangladeshi women access justice. Most of my data and information were collected from MLAA reports and the Alternative Dispute Resolution Practitioner's Guide (1998). Existing literature, journals and documents were consulted as reference.

During the months of July to September, 2002, I participated in a number of shalish proceedings held at the MLAA office in the project area, and observed ADR at work in the community. I also interviewed MLAA staff and stayed at their training center where they concentrate fully on shalish⁴ community-based ADR.

1. Muslim Family Law context for women in Bangladesh

In Bangladesh, family law differs according to the religion of the family. For Muslims, who make up 88% of the population, Muslim Family Law is applied. The other 12% of the population is made up Hindus, Christians and Buddhists, and each of the major religious communities must follow its respective family law ordinances. Women in all these faith communities face discrimination in Bengali culture, and minority communities also face discrimination in this predominantly Muslim country. While recognizing these issues, this article focuses on Muslim law, particularly noting the ways it discriminates against women, causing serious difficulties for their everyday lives.

According to Muslim Family Law, girls should be wedded at puberty, which can have its onset "as early as ten in girls or eleven in boys."⁵ This social custom favors high fertility while resulting in high maternal mortality. A 1997 study by Morris found that approximately 70% of Bangladeshi women are married by age 17, usually through an arrangement between the parents of the bride and the groom.⁶ According to the Child Marriage Restraint Act from 1929, with its Amendment Ordinance in 1984, the Bangladesh Government made a provision for the punishment of early marriage. This Child Marriage Restraint Act declares that:

The age of capacity to contract a marriage is 18 years for a girl and 21 years for a boy, for all communities. The Child Marriage Restraint Act, 1929, defines a child as a Person who, if a male, has not completed 21 years of age, and if a female, has not completed 18 years of age.⁷

Under Section 5 of this Act, whoever performs conducts or directs any child marriage shall be punishable with imprisonment up to three months and will also be liable to a monetary fine. Despite such laws and sanctions, the customs of early marriage continue and in turn continually reflect not only the low status of women, but also their lack of legal power. The laws to protect them exist, but they are not esteemed enough as a group to take care in enforcing the law, nor are they powerful enough to seek to have such laws applied on their own behalf.

A further example of discrimination within the Muslim Family Law concerns polygamy. Polygamy is defined as a situation where a husband has more than one wife. In Bangladeshi Muslim society, Muslims are governed by their Personal Law, which is derived from the Quran⁸ and the Hadith.⁹ These laws are formalized and given legal sanction in Bangladesh in the Shariat Act of 1937¹⁰ and modified as the Muslim Family Law Ordinance 1961.¹¹ Under section 6 of MFLO of 1961, polygamy is legally permitted, known as the Sanction of Four Wives, where a Muslim may have as many four wives at the same but not more. If he marries a fifth wife when he has already four, the marriage is not void, but merely irregular.¹² Although in some Muslim countries (such as Turkey and Tunisia) polygamous marriages have been abolished, Bangladeshi Muslims have always resisted any change in this regard.

The MFLO of 1961 also gives women unequal inheritance rights to property. The MFLO of 1961, in section four, states that “the wife (or wives taken together) gets one-eighth of the husband’s property if there is a child and one-fourth if there is a child after her husband’s death. Section four further states that a husband, on the other hand gets exactly double (one fourth or half) from the estate of the wife.¹³ Such law “prevents women the inheritance of equal shares with her male counterpart.”¹⁴ As for sons and daughters, Mahomedan Law Section 63 gives daughters the privilege of being a sharer in an inheritance only when there is not a son. In such a case, she is entitled to 1/2 of the inheritance.¹⁵ However when there is a brother present, the daughter is then relegated to the position of being a residuary, inheriting only a share of what is left after all proper sharers have received what they want and desire. Section 65 of Mahomedan Law specifies portions for residuary as well, for as a residuary a daughter would receive 1/3 while a son would receive two-thirds, once again double the amount the female receives.¹⁶

As noted above, after independence Bangladesh made many developments in Family Law in the favor of women. For example, Bangladesh Constitution embodies the fundamental rights relating to women in Articles 28 (2) “Women shall have equal rights with men in all spheres of the State of public life.”¹⁷ However, despite these different acts and legislative actions, women’s position has not improved. One Bangladeshi writer noted “if women in Bangladesh have secured favorable legislation, they could not secure its benefits due to impediments to its enforcement.”¹⁸ In other words, while the laws to help women legally exist, they are not being enforced. The reason behind this lies in the traditional norms and values of the male dominated patriarchal society.¹⁹ According to traditional

Bangladeshi thought, a women's identity is found in her father and once she is married, her identity is found in her husband. She has no freedom to make her own decisions. Through complete and total control, she is kept dependent upon the males in her life and must obey them regardless of their treatment of her.²⁰ Furthermore, women are even more dependent on males as their education rate is very low and economically they are deprived, as demonstrated by the fact that in 2003 the male literacy rate was 53.9% for men while it was 31.8 for women in the same year.²¹

2. WHAT IS ADR?

ADR is a term "used to describe a wide variety of dispute resolution mechanisms that are short of, or alternative to, full-scale court processes."²² In other words it is the "wide variety of methods by which conflicts and disputes are resolved other than through litigation."²³ ADR is a process where disputants negotiate or mediate directly with each other. A mediation program based on the ADR process can be designed to manage community tension or community development issues. While there are many ways this can be achieved, "generally ADR mechanism provides a third party, a mediator or judge to meet with both parties early in the life of the case in an effort to reduce delay and expenditure with an informal procedure."²⁴ ADR practitioners in Bangladesh have called it a "remodel of [the] indigenous Shalish."²⁵ This definition is noted in a Report of the MLAA, where the organization's objectives are given as "to settle disputes in fair and equitable fashion through a reformed system of Shalish."²⁶ The term "reformed shalish" was coined by Blair in a work entitled "Village Justice in Bangladesh: Reforming the Traditional Shalish," where he states that:

"Reformed shalish" involves considerable training of shalishkers²⁷ who then form mediation committees, an emphasis on (carefully negotiated) mediation rather than (binding and often arbitrary) arbitration, and follow-up to ensure that the mediation agreement between disputants is implemented.²⁸

The different forms of ADR processes, as stated by the ADR Practitioner's Guide, are negotiation, conciliation/mediation or arbitration. Through a negotiation process, disputant parties can solve their conflicts without the intervention of a third party. While mediation and conciliation processes are somewhat similar to the negotiation process, they differ in the fact that they interject a third party between disputants to achieve either mediation or reconciliation. The role of mediator and conciliator is to act as a communicator between disputants. They may help, direct and structure the settlement, but they have no power to decide or rule on a settlement. The arbitration system also recognizes a third party to decide how a dispute should be resolved and differs from negotiation, mediation and conciliation.

The ways that the various ADR processes can be applied fall into two broad categories—court-

annexed ADR and community-based ADR. Court annexed ADR processes are linked formally to the government's justice system. Such ADR activities are authorized, offered, used, referred by, or based in the court system. Court-based programs and court referrals to private ADR services are covered by this term as well. Agreements arising out of court-connected ADR situations may be enforceable as court orders, in other words what the ADR process determines is not only from those involved with the ADR process itself, but also with the authority of the government and its law.²⁹

Community-based ADR is frequently designed to be independent of a formal court system. Sometimes, community based ADR is built on traditional models of popular justice that relied on elders, religious leaders or other community figures to help resolve conflict, as is the case in Bangladesh. ADR processes may be mandatory or voluntary. In a mandatory process ADR, some judicial systems require disputants to negotiate, conciliate, mediate or arbitrate prior to court action, in an attempt to solve the problem before disputants need to go to court. On the other hand, voluntary process ADR is the submission of a dispute to the ADR process depending on the will of the two parties involved, in other words the two disputing parties themselves decide to attempt to settle their issues using the ADR process rather than court action.

Based on the definition and objective of ADR it is clear that in order to comprehend how an ADR program works and evaluate its success we must understand a country's social and legal situation. We need this understanding of Bangladesh in order to see why ADR might be necessary in the country.

3. Historical and legal conditions in Bangladesh

3.1. Historical context:

Bangladesh, which became a nation in 1971, has a rich historical background. For about two hundred years, Bangladesh was under British colonial rule (former east Bengal) in the Indian sub-continent. For another 25 years it was a province (former East Pakistan) of the Pakistan Government. Throughout these eras, Bangladesh and the Bangladeshi people were obliged to obey foreign authorities in respect to their legal system.

The Bangladeshi people have grown accustomed to listening and simply accepting their legal rulings from others with higher education and authority due to their high illiteracy and poverty. The majority of the Bangladeshi populations do not have the ability to even read, let alone understand the legal rules that are enforced upon them. The court systems have continued such authoritative, or top-down, legal structures, as noted by Blair: "since the colonial era, rural Bengal has had a formal court system, from top to lower level" from provincial high courts to districts and sub divisional courts. At present the three levels of formal court systems that exist in rural Bengal are "namely district courts, upazila or thana court, Union Parishad."³⁰

It is important to note that the Union Parishad is not a court, as stated by Blair above, but is

instead the ward office made up of elected officials. Their power is granted through the Muslim Family Ordinance of 1961. This small amount of power is restricted to family matters (by MFLO of 1961) and land disputes. If the Union Parishad Chairman makes a decision to resolve an incident, the two sides may choose to agree and accept it; however the Chairman's decisions are not binding. If the parties do not like the decision, the Chairman will suggest that they take their dispute to the courts. The Union Parishad, its members and its function, will be outlined later in this paper.

3.2. Problems with formal Bangladeshi courts

The three levels of formal court systems are not fair to the people of Bangladesh for many reasons.

The first reason these formal court systems do not work is due to the fact that the high illiteracy rates make the population unable to understand written constitution and legal codes, such as Articles 27 and 28 where it is stated that "every citizen is granted equality before the law and equal protection of the law (Art 27) and the State prohibits discrimination on grounds of race, sex, religion, or place of birth (Art 28)."³¹ Another example of an important document that many Bangladeshi people can not read and therefore may be unaware of their rights is the Muslim Family Ordinance of 1961 that outlines laws regarding family matters such as polygamy, marriage, divorce, maintenance and inheritance rights. The widespread illiteracy rates in Bangladesh cause major problems for the Bangladeshi people because they can not read nor understand their rights and can therefore be treated unjustly.

The country is divided into sixty-four districts, with around 2 million people each. The distance to the district court, in any district, is around 50 kilometers. Shahdeen Malik writes that "these 50 kilometers are often a very long distance to travel". In other words, the distance and people's difficulty with walking such distances, make it physically difficult for the Bangladeshi people to use the court systems. Money (for litigation expenses) and time required (for the case to meander through the snail-paced system) also discourage most travelers to undertake the journey.³²

Other problems in the formal legal system come from the fact that the courts are overworked and therefore unable to help the Bangladeshi people. By the latest calculation, close to a million cases are pending in the court system. These numbers are far too high to allow a society to function properly. Such backlog paralyzes the social change that is desperately needed in Bangladesh. The crisis is recognized even by the top legal professionals in Bangladesh; as Law Minister Barrister Moudud Ahmed said in a recent workshop, "our present judicial system is old, traditional and corrupt and needs reform."³³ The three charts below demonstrate such paralysis in a tangible way. Table I show how the number of pending court cases has gone from three cases fifty years ago to a current number of two thousand and twenty five pending cases in recent years.

Table II demonstrates that the ratio of judges to population, while high in Bangladesh, is certainly

Table I. Pending Court Cases in District Courts in Bangladesh

Years	Number of Pending Court Cases
7-10	2025
10-15	4594
15-20	1566
20-25	566
25-30	965
30-35	1225
40-50	3

Source: The Daily Ittefaq 23rd, October 2003

Table II. Persons per Judge

Country	Number of People per Judge
Bangladesh	95,000
India	91,000
Pakistan	85,000
Nepal	485,000

Source: Mahbubul Haq Human Development Center³⁴

Table III. Court Cases Pending per Population and per Judge

Country	Cases Pending per 1000 People	Cases Pending per Judge
Bangladesh	53	5,150
India	23	2,150
Pakistan	5	450
Nepal	4	300

Source: Mahbubul Haq Human Development Center³⁵

not the highest among South Asian countries.

Table III demonstrates that although Bangladesh does not suffer from a drastic ratio of people per judge as seen in Table II for Nepal, the court cases per one thousand people and per judge are higher by far than any other country in the South Asian region.

Problems of poverty and rising corruption only add to the criticism of the formal courts. A survey conducted in 1997 by Transparency International³⁶ found that more than 97% of rural Bangladeshis thought the police were corrupt and almost 90% of rural Bangladeshis thought the governmental court systems were corrupt. Evidence to support this corruption is found in the fact that 9.7% of

people involved in court cases have paid bribes to court employees frequently. A later survey in 2002 found that 8% of responders were involved with the judicial systems and three quarters of them reported some kind of corruption, most often (two thirds of the time) a bribe paid to a court official. According to the survey, the size of bribe paid came to some Tk.7,800- a hefty sum in Bangladesh.³⁷ People's distrust of the court system is widespread.

As mentioned above, the traditional and already established legal systems and processes are not working for the benefit of all Bangladeshi people. Hence, ADR became an important issue in Bangladesh. The ADR process however, has been working, especially with regards to the women and the poor of Bangladesh and in light of the ways the former system mistreats them, as will be discussed further below.

3.3. Existing ADR system in Bangladesh: Shalish

In addition to the formal judicial court systems, there has also existed since pre-colonial times a traditional, informal structure for resolving conflicts at the village level, known as the shalish. In today's terminology, it would be considered a type of ADR mechanism. In general terms, any villager with a grievance could petition to have a shalish, or local mediation council, hear his case.³⁸ Depending on the gravity of the case (which could be either civil or criminal), the shalish could be larger or smaller, and this "very cultural tradition of using mediation [or more often arbitration], to resolve disputes"³⁹ resulted in a judgment or resolution supposedly binding on both parties. Typical cases involved family disputes, inheritances, land quarrels, petty theft and the like.⁴⁰

Anyone may attend a shalish and in fact many villagers do so. It is well known to all that the shalish and shalishker have no legal rights to place opinion on a conflict, but they do it with mutual understanding of both parties. Normally, disputing parties and villagers accept their opinion.⁴¹

Because of the problems with the formal courts "more than 80% of disputes and conflicts are settled through shalish."⁴² Shalish can be categorized in many different ways. There are three kinds of shalish: traditional shalish, government facilitated shalish and government administered shalish (Golub 2003). Traditional shalish is "administered by village leaders and influential persons;" including religious figures (Golub 2003). This practice is exclusively male. Sometimes local chairman and elite members of the Union Parishad are invited to sit through the proceedings. One good aspect of this mediation council is that it is inexpensive and accessible.

On the other hand, the traditional shalish has delivered unfair and harsh judgments that are outside the legal system. Other factors that have weakened support for the traditional shalish have been problems with its lack of neutrality and integrity and the emergence of religious fundamentalism. The traditional shalish has also been subjected to criticism for its judgments condemning women to stoning and flogging. Aminuzzaman found high levels of corruption in the shalish system (Alim 2004). Shalish even order harsh punishment in the form of fatwas (punishments ruled by Muslim religious

leaders, and often misused in Bangladesh).⁴³

Government facilitated shalish are conducted by a series of laws. Section 2 of the MFLO of 1961⁴⁴ empowers the Union Parishad, the lowest unit of local elected government to arbitrate family disputes. The chairman of the Union Parishad is appointed by local election for a term of five years and can be described as follows:

“He derives his authority from legislation (MFLO of 1961) as well as from his popular support, is the choice of the majority of the people when it comes to selecting an arbitrator. Since UP chairman and UP members usually have strong links to the communities they represent, community members also prefer to seek help from them.”⁴⁵

The Union Parishad is “comprised of one elected chairman, elected members, two nominated women members, and two peasant representative members,” in an effort to offer unbiased representation to all people.⁴⁶ It is plain to see that a just, unbiased ruling is the highest goal of those that belong to a Union Parishad. The Family Court Ordinance of 1985⁴⁷ also recognizes this kind of legal setting, outside of the courts, giving the Union Parishad power to mediate cases and if matters are unresolved, the power to refer such cases to district court. While this type of case seems to be local, problems still arise because the rural population is mostly illiterate. They still cannot understand the laws and ordinances that this government body, while local, gives them. This system is also ineffective.

Government administered shalish is seen through The Village Court Ordinance of 1976, where the government uses a village court to settle civil disputes and petty criminal offenses. While this types of shalish “does not impose the Fatwas and harsh punishments that the extreme forms of the traditional” shalish do, it is really not different.⁴⁸ Similarities lie in the fact that the Union Parishad chairman and its members are often biased or ineffective at providing justice for disadvantaged, including women. According to the Asia Foundation report (2002), many Union Parishad chairman and members are also ill-informed in matters of law. Reports from The United Nations Development Program (UNDP) of 2002 found similar evidence to show that this government facilitated shalish also does not work. The popularity of village shalish has gradually decreased because the village elite, allowing them to exercise power over the vulnerable to often dominates in shalish committees. Village elders, such as landlords and mullahs (Muslim religious leaders), social activists, and leaders of different professions have acted as self-appointed mediators and sometimes impose decisions or ignore the choices and welfare of those involved in the specific given shalish. Nevertheless, shalish has been widely accepted because the only alternative has been a lengthy and expensive court procedure.

4. Reformed shalish

After defining the sociologic conditions of Bangladesh and problems with the existing formal courts, the terrible conditions for women and the abuses of shalish systems, it is clear that while shalish as a mediation council is a better alternative than formal courts for justice, especially for women, it is in desperate need of change. According to Blair, this change is being brought about by the “re-forming of the village shalish.”⁴⁹ Reformed shalish is a term I have chosen to use as a means of identifying this process of reworking the older forms of shalish. The severe problems with the judicial systems of Bangladesh, both formal and informal, have caused a number of NGO’s to take notice and try to help the disadvantaged in Bangladesh. Together these organizations are reforming shalish in Bangladesh.

4.1. What is reformed shalish?⁵⁰

A number of donor NGO’s like the Asia Foundation have been working for some time to improve the shalish system in rural Bangladesh. The oldest NGO, Madaripur Legal Aid Association (MLAA), began in the Madaripur area in 1978.⁵¹ This was the year the reformation of shalish was established as workers in this office helped and advised the Union Parishad Chairman and provided educational training to promote understanding of laws that already existed to help the people. Through a mediation process, MLAA has worked through more than 50 local organizations to build a “reformed shalish” which involves considerable training of local council members, or shalishkars, who then form mediation committees. There is an emphasis on (carefully negotiated) mediation rather than (binding and often arbitrary) arbitration, and then there is follow-up to ensure that the mediated agreement between disputants is implemented.⁵² The emphasis on mediation occurs for two reasons:

Firstly, mediation provides a proper and permanent settlement for a dispute; and secondly, parties are less likely to be victims of procedural harassment, financial loss and delay.

MLAA is not the only NGO working for the betterment of the disadvantaged in Bangladesh. The Asia Foundation⁵³ has been assisting MLAA since 1985, and began their individual and separate mediation program in 1988. Similar efforts to build reformed shalish institutions have also been launched by Banchte Shekha, Palli Shishu Foundation, Ain O Shalish Kendra,⁵⁴ and Kabi Sukanta Seba Sangha. All of these NGO’s have worked with mediation approaches and shalish monitoring efforts as they develop their own mediation programs with varied emphases.

Some NGO’s concentrate on legal education, offering short “legal literacy” courses to impart the awareness of legal rights to the village people. The expectation is that this training will make people more effective participants in shalish cases. Bangladesh Rural Advancement Committee (BRAC)⁵⁵ has

been providing such training since the mid-1980s, and by late 2002 they had trained almost two million people in their Village Organizations. More recently, BRAC, Ain O Shalish Kendra and Nijera Kori have been working to develop the capacity to conduct their own shalish proceedings.

BRAC's and Nijera Kori's approaches are somewhat different from the approach taken by MLAA, but their end results are quite similar. What makes MLAA different from all of the NGO's mentioned above is that it specifically targets the poor and disadvantaged for its services according to the objectives set out by USAID Bangladesh.

As mentioned above, MLAA is the oldest and is considered to be one of the most successful NGOs engaged in community based ADR in Bangladesh. It is for these reasons that I have chosen to focus on it as an organization and analyze its mediation program in this paper.

4.2. ADR Processes as reformed shalish: MLAA Mediation process

Being the pioneer NGO, MLAA has given an institutional shape to the formal system of shalish while reforming it for the betterment of the people. According to MLAA's project aim, mediation should be worked as a helping hand of local government (Union Parishad /Ward Office).

In order to ensure a democratic, fair and free Shalish environment MLAA allows responsible persons from various sections of society to attend Shalish. With this view, within two tier system grassroots level (union and village), MLAA has formed two committees namely as Central Committee (selected from MLAA village committee) and Village/Ward Committee, which consists of Local Chairman, Member of Union Parishad, school teachers, madras's. Each of the committees is comprised of 10-12 members. These committees form Shalish, abiding by rules of mediation, skills and techniques learned through MLAA training seminars and workshops.⁵⁶

In the beginning stages of the process of mediation, disputants will find a mediation worker (MLAA worker—retired lawyers, advocates, volunteers, and varied educated personnel) or member of a mediation committee (local elite) in his/her local area, who will help him in filling out necessary forms of MLAA. It is important to remember that mediation is a voluntary process. All a mediation committee can do is to make mediation facilities and personnel available to the disputing parties, should they choose to engage them.

When a complaint is made by one party, the other is notified by the MLAA mediation worker and a mutually convenient date and place is fixed. Usually the meeting place is a village union office or a prominent place in the village. However, if one party fails to attend the MLAA mediation worker sends a letter with suggestions of another sitting within 15 days. If there is no response to this letter, two other letters may be sent pointing out that failure to attend mediation meetings may result in litigation. In some disputes, after three reminders, mediation workers (MLAA) may visit houses of the parties in order to discuss the situation and gain more information that may help with mediation. At the beginning of the mediation, the mediation worker will explain the process to the parties and their

rights to pursue their case in court. Throughout the entire time, the role of the mediation worker is to work as a mediator. The mediation worker is responsible for overseeing the implementation of agreements between disputant parties. He tries to solve the case at the local level rather than referring it to the next level or to court. If this mediation does not resolve the issue at the village level, it is referred to the central union committee (trained by MLAA) and then to the Thana level, to the district level and finally to the MLAA head office, as outlined in the MLAA Annual Activity Report. This report offers the following statistics:

Out of 1,704 applications, 960 disputes were resolved through mediation, 85 disputes were dropped due to the unavailability of necessary papers and the absence of applicants, 38 disputes were recommended for litigation, and 621 disputes were under process of mediation under the arbitration councils.⁵⁷

If the case has gone through mediation and failed to reach an agreement, then it is referred to the thana court for litigation. If the case has gone through the MLAA referral system, as a matter of their own policy, the MLAA staff will decide to refer it to the court and will pick up the cost for the disputant by referring it to the MLAA legal aid division.⁵⁸ In such circumstances, on average, it takes roughly two to four years to reach a resolution.

4.3. Relation between Court System and MLAA System

Disputes regarding family, land and other related matters are very common among rural people. These disputes can be settled outside the judicial system through the ADR process, in other words, by using reformed shalish, as exemplified by the MLAA system. This has a two-fold advantage: firstly, mediation provides a proper and permanent settling for a dispute; secondly, parties are less likely to be victims of procedural harassment, financial loss and delay if they are able to resolve their problems through the MLAA system. The Reflections on Women and Violence in Bangladesh bulletin relates a case study in which the corruption and deficiencies of traditional shalish are clearly seen. In the case, an 18 year old woman, R, was repeatedly abused by her husband, W, a gambler and thief. His violent demands for dowry escalated, and it appears that he murdered the couple's 6 month old daughter. At this stage, R's father instigated a court case against W, despite the financial burden. However, W had contacts with the local Chairman, and put pressure on R. to withdraw the case. Facing these economic and political barriers, R. And her father decided to withdraw the case and abandon their search for justice. Had an MLAA organization been present, R could have sought their help, engaged in a reformed shalish, and if these means did not secure her rights and justice, she would have not needed the economic support to take her case to court, as MLAA would have provided such services free of charge.⁵⁹

There is no formal relationship between mediation committees, such as the MLAA committee,

and the formal justice system. The MLAA did not have to address official justice systems when designing their projects and mediation systems. It may be said that the birth of the mediation system is from the result of the problems found in the formal justice system (especially in the eyes of those serving the very poor in Bangladesh). While there is no formal relationship between these two groups, in the eyes of MLAA, a good relationship is most desirable as their main objectives, such as the goal “to make the traditional shalish system people-oriented” as well as the desire to “work for the reform of the law and legal system,” require open dialogue between the two groups.⁶⁰ If the objectives of MLAA are to be met, they need to work with the court system and foster a good, working relationship with their own association and its use of ADR and the formal justice system.

5. Critical Analysis of the ADR program in Bangladesh

5.1. Positive effects of ADR programs in Bangladesh

ADR programs in Bangladesh, as seen through reformed shalish, have brought many improvements to Bangladeshi society. First of all, reformed shalish has benefits for the people of Bangladesh, particularly the illiterate or poor who cannot afford or manage the court system. Many poor are denied access to the formal legal system simply because they cannot afford to pay registration and representation fees necessary to enter the court process. Reformed shalish provides a feasible and fair option to the underprivileged of Bangladesh.

Secondly, on a limited scale (due to the small scale of ADR programs), reformed shalish help alleviate the pressure on the courts by handling cases and settling them before they add to the backlog of pending cases. Because such backlog impairs court effectiveness, by removing added strain, ADR programs may strengthen the court system as well.

As noted before, the courts are systematically biased against particular groups, such as minorities or women. This is evident in the way that girls are subject to early marriages, as the laws exist to protect them but are not being applied or upheld by the courts. The “severe malpractice” and upholding of justice for rich and influential persons are two ways of showing that these groups are disadvantaged.⁶¹ Another is found in the simple fact that “parties are not allowed to voice their decisions in decision making [regarding legal matters]” in formal justice systems. Moreover women disputants are not allowed to participate in the traditional legal process even though they are parties to the disputes.”⁶² One respondent to a survey of court systems said:

I do not get justice in village and thana. Only court remains to go but court means a lot of money. You have to pay Muhuri (Clerk of Lawyer), pesker and Magistrate. I can not afford this money. Where shall I go for justice?⁶³

Another respondent narrated:

My husband divorced me. I went to every place for justice. Nobody cared for me. Then I went to family court. Three years have passed but no result yet. My minor son earns money by selling labor and I spend all the hard earned money in the court for justice.⁶⁴

ADR programs can help these disadvantaged groups. For example, women are often poorly protected by the courts. The women who have used the ADR system set up by MLAA, believe that they receive better protection and more compensation from this system than from the formal court system.⁶⁵ Not only is MLAA receiving recognition from those using it, other NGO's looking to bring ADR to the people of Bangladesh look to "in particular the MLAA model [as it] would enhance the quality of their programs."⁶⁶ Another advantage that this type of ADR program gives women is the ability to tell their stories without fear of redress. In certain MLAA projects, female clients seemed to respond much more actively when there were a number of women on the mediation committees, therefore the MLAA mediation program has recruited women to serve on mediation panels.

This is especially beneficial since most problems are created through family related matters. Actually, the majority of problems are mainly husband and wife related. In this type of case, litigation or court case process, such as Family Courts, are ineffective as they are lengthy, often biased towards women, and often inaccessible due to a backlog of cases, as mentioned before. Therefore, the alternative of reformed shalish is easier for all involved, as it is most often closer in proximity, quicker in its resolutions, and attempts to mediate and therefore by definition maintain an unbiased stance in all disputes. According to the annual activity report of year 2000-2001, the biggest part of the MLAA project was to solve family and women's matters through mediation.⁶⁷ The project is trying to help solve family and community matters, while also giving knowledge to the local people about the existence of the Arbitration Council in the Union Parishad and its union with ADR in the form of reformed shalish.

Another tremendous advantage reformed shalish has brought to Bangladesh is the training of adequate workers in the legal systems.

5.2. Case Study: MLAA Case of Dowry⁶⁸ Related Divorce

Munni and Matiur Rahman were married on the 21st of May, 1999 with the proper Kabinnama (marriage registration). After some time, Matiur's family began to torture Munni for dowry. The local shalish ruled and told Matiur to stop torturing Munni. However, in a few days Matiur's family tortured Munni again. For this reason, and because it is not considered a criminal case in Bangladesh, Munni applied to the MLAA Mediation office in Tungipara, in the Gopalganj District, for justice against her husband and her husband's family, claiming that she was being tortured by her husband for her dowry

while still living at her parent's home. Still this did not resolve the issue, because after some time, Matiur went to Munni's father's home, and again demanded the dowry payment (Tk.50,000) and told Munni's family that without this money he would not accompany Munni to go to Tungipara. He left Munni in her parent's house, not taking her with him as he should because she is his wife.

Again Munni went to the Tungipara Mediation office and made an application against her husband, this time because he had abandoned her. According to the complaint, the Tungipara Mediation office notified Matiur to appear in shalish. The first date of the shalish was revised due to the absence of Munni's relatives (a shalishker). At the second meeting, both parties were present and in front of the shalish committee (as formed by MLAA staff, made up of MLAA staff, Union Parishad chairman and some local elite), Munni told all of her experiences and begged for a divorce from Matiur. In this second meeting, because Munni refused to live with Matiur and asked for a divorce, the topics of dower and maintenance were discussed, with both parties coming to the solution to pay Munni Tk.30,000 for maintenance and Tk.27,000 as a dower payment. Therefore a final decision was reached. A third meeting was decided upon in order for the payments to be made.

On this third and final shalish date, Matiur's family handed over the whole decided amount of money to Munni in front of the shalish committee. In return, Munni also handed over her ornaments which Matiur had given her at the time of their marriage. The Union Parishad Chairman organized a khula talak⁶⁹ for them, in other words he made the necessary arrangements so that their marriage could be dissolved by the agreement between the husband and wife. (Data collected from Manabadiker Prakashana Bulletin, March-April, 2002, published by MLAA). The authority to organize khula talak is given to the Union Parishad Chairman within the Arbitration Council in Sections 2 and 8 of the MFLO of 1961.⁷⁰

Participant Observation:

In my observation of different shalish sessions dealing with different cases taking place during the months of July to September, 2002 in Madaripur (see Table VII) in all cases the rural poor woman had a chance to express her opinion about her family life without any hesitation and representatives of both parties are always alerted to both parties' opinions. All of the cases were solved within one or two months front of local Chairman, local elites, and mediator worker (MLAA staff). Some of the parties on the male side of these cases claimed that the center forced them to come to a solution. In their minds they think that the Shalish (mediation) is not appropriate. Particularly, in most of the cases, women and the poor were in favor of mediation. They felt that through mediation they had a good chance to get results at a low cost without delay. One of the most important achievements of this project (MLLA) is that the local chairmen and leaders usually take suggestions about the law from Shalish.

Table VII Observation of Shalish Cases

Type of Case	Date	Total Duration of the Case	Result	Opinion of the Applicant/ Client	Opinion of the Opponent
Polygamy	August 12, 2002	4 Months	Compromised through Mediation	Satisfied	Satisfied
Dower	August 15, 2002	3 Months	Compromised through Mediation	Satisfied	Satisfied
Divorce	August 15, 2002	2 Months	Compromised through Mediation	Satisfied	Satisfied
Divorce	August, 20, 2002	2 Months	Compromised through Mediation	Satisfied	Satisfied
Maintenance	August 16, 2002	3 Months	Going to court	X	X

Source: Author's interview findings, July - September 2002, Madaripur.

5.3. Limitations of reformed shalish

Many critics of ADR systems find that the dispute resolution setting is in fact more biased than a court system. It is argued that to restore or reform traditional dispute resolution mechanisms, such as ADR, "subjects women to the application of discriminatory social norms rather than the relatively fair justice of a rights-based legal system."⁷¹

Critics further state that "questions also remain about the effectiveness of ADR where the parties have no incentive to resolve their dispute. Unlike a judge, a mediator or arbitrator has no power to order a party to appear and defend a claim. Nor can a mediator or arbitrator compel the losing side to comply with a decision."⁷² It is often found that potential litigants who may well know they are in the wrong have no interest in a speedy resolution of the dispute. In this situation parties to go through an ADR proceeding may simply increase the time and expense to resolve the problem or claim. Moreover it is focused that there is no formal link between the justice system and the mediation committee, which is not a current issue but may become problematic in future.

Such weaknesses in the reformed shalish system have been addressed and considered by ADR supporters and researchers. A member of over twenty NGO's met on the third and fourth of October, 1999 to discuss the traditional shalish model, examines its strengths, and also "determine the obstacles which prevent women from using it."⁷³ Throughout their discussions, they determined a set of requirements that must be in place in order for reformed shalish to work, as follows:

The first is the active participation of the local community in the dispute resolution process. The second is to ensure that alternative dispute resolution does not become another area for perpetuating the dominance

of the powerful. In traditional shalish mediation a resolution is imposed on the disputing parties: in the Madaripur model the emphasis shifts to creating a resolution which is agreed by both parties and is the outcome of collective deliberations. The premise is participatory and democratic. The third requirement is to ensure that some of the orthodox and inequitable notions of justice - particularly the notions of subservience and rightlessness of women and medieval religious practices - are not reproduced or strengthened by the modified shalish process.⁷⁴

A formal link between the justice system and mediation committees such as MLAA is necessary for the maintenance of these above requirements and the future growth of the ADR process in the entire country of Bangladesh as long as the ideals, values, and aspirations to help the underprivileged and disadvantaged that define such mediation committees like MLAA are maintained.

Concluding Remarks

ADR programs like the MLAA's community mediation program have demonstrated their potential to increase access to justice for disadvantaged rural groups, especially for women. Primarily the small scale of the program relative to national needs limits its impact. Scaling-up to the national level would require substantial additional financial and human resources. In other words, to apply an ADR project on a national level would require vast amounts of money and workers. In fact, the biggest criticism of this system is that while 15% of Bangladesh's population is served by NGO's, ADR programs cover only 0.5%. Replicating the MLAA model across Bangladesh would be a difficult task simply because of all the resources such a nationwide project would require.⁷⁵ Despite these low numbers, it is remarkable that through ADR programs disadvantaged groups have a chance to establish their rights by access to justice.

According to the MLAA Annual Activity Report,⁷⁶ ADR programs are becoming more successful in the rural areas. Recently, there is a move on the part of government and justice officials to institutionalize dispute resolution at the village level such as grameen or local court. It is assumed that this will create a formal link between the mediation services currently delivered by NGO's, people that they train and the official justice system. However it is premature to create these without reforming the system at the national level, as they would only create another layer of bureaucracy which would only serve to deny justice to those very people who need it (and who are currently benefiting from the mediation systems provide by the NGO's).⁷⁷

Therefore it is demonstrated here that in the context of enhancing the status of Muslim women in Bangladesh, MLAA has created a new ADR system. Reformed shalish will be honored by the people of Bangladesh gradually as they learn to trust the system. While successful, the fact is that the NGO's are not the actual rescuers of the country, nor is the reformed shalish process itself, firstly because the NGO's activities depend on the willingness of donors to support their efforts, and

secondly because the process depends on people. Reformed shalish works because it combines the best of the past, such as the Union Parishad and the MFLO of 1961, and implements new thoughts on mediation and knowledge of human rights. It can be concluded that though the scale of ADR in Bangladesh is small, its success is large. Therefore, in this context, the Bangladesh government and the people of Bangladesh have to find a way to run the ADR program themselves, not only so that if NGO supported funds stop, the programs will not, but also so that the positive benefits of reformed shalish can continue and build a stronger country, ensuring equal justice and access to justice for all.

Notes

- 1 Alternative Dispute Resolution Practitioners' Guide. 1998. Washington. Technical Publication Series, Center for Democracy and Governance.
- 2 Union /Ward Offices are the grassroots level of local government in Bangladesh. Nationwide there are 4,451 union councils (rural), 610 ward offices (urban), 123 municipalities, and four city corporations. See, Bangladesh Bureau of Statistics Report 1999, Dhaka, p. 20.
- 3 Chowdhury Huq Obaidul. 1997. Handbook of Muslim Family Laws. p. 54.
- 4 Salish is a Bengali word referring to a type of traditional local arbitration organized by local leaders to solve a local problem. The roots of this system can be traced back to the reformations brought by Sher Shahs (AD1539 – 1545) whom the Mughals followed for centuries. In Bangladesh, arbitration and mediations are used in the same way as salish. See, Ahmed Naim. 1993. Factors and Pressures Influencing Proceedings of Civil Litigation in Bangladesh. Focus: Journal of Legal Studies. p. 71.
- 5 Puberty. Encyclopedia Americana—International Edition. 1994.: Grolier Incorporated. p. 743.
- 6 Morris J. 1997. Behind the Veil: The Changing Face of Women in Bangladesh. Slant School of International and Public Affairs, Columbia University <http://www.columbia.edu/cu/sipa/PUBS/SLANT/SPRING97/morris.html>.
- 7 Chowdhury Huq Obaidul. 1997. Handbook of Muslim Family Laws. p. 85.
- 8 “The Quran is the revelation of God the central fact of the Islamic religious experience... Quranic revelation is not that of the transcendent God but rather of his divine will which man is to follow” (Esosition, John. L. 1982. Women in Muslim Family Law. Syracuse: Syracuse University Press. p. 3.) “Here is a plain statement to men, a guidance and instruction to those who fear God (Quran III: 138).
- 9 Hadith: The record of the Prophetic words and deeds is to be found in the narrative reports or traditions (Hadith) transmitted and finally collected and recorded in compendia (Esosition, John. L. 1982. Women in Muslim Family Law. Syracuse: Syracuse University Press. p. 6.)
- 10 Shariat Act of 1937: Sections 2 of Act XXVI of 1937, in cases where the parties are Muslims, applies the Muslim Personal Law in a number of important matters. Hidayatullah.M and Hidayatullah Arshad, 1990. Mulla's Principle of Mahomedan Law. Bombay: N. M. Tripathi Private LTD. p. 2.
- 11 Momen Abdul Md. 1993. The Muslim Family Laws Ordinance 1961 Dhaka. New Didar Publishing House.
- 12 Ballie, 30, 154, Ameer Ali, 5th Ed, Vo1. 11, p. 280. Hidayatullah. M and Hidayatullah Arshad, 1990. Mulla's Principle of Mahomedan Law. Bombay: N. M. Tripathi Private LTD. p. 225.
- 13 Khan, Salma. 1993. The Fifty Percent: Women in Development and Policy in Bangladesh. Dhaka: University Press Limited. p. 18.
- 14 Khan, Salma. 1993. The Fifty Percent: Women in Development and Policy in Bangladesh. Dhaka: University Press Limited. p. 18.
- 15 Hidayatullah, M. and Arshad Hidayatullah. Principles of Mahomendan Law. 19th Ed. 1990. Bombay: N. P. Tripathi Private Ltd.
- 16 Hidayatullah, M. and Arshad Hidayatullah. Principles of Mahomendan Law. 19th Ed. 1990. Bombay: N. P.

- Tripathi Private Ltd.
- 17 Bangladesh Manobadhikar Samonnoy Parishad (BMSP), State of Human Rights Bangladesh 1994. p. 36.
 - 18 Matin Abdul, 1993. The Women Law (Introduction Chapter).
 - 19 Monsoor Taslima. 1999. From Patriarchy to Gender Equality: Family Law and its Impact on Women in Bangladesh. p. 8.
 - 20 Salma Khan. 1998. Fifty Percent: Women in Development and Policy in Bangladesh., p. 16.
 - 21 <http://www.nationmaster.com/country/bg/Education>
 - 22 Alternative Dispute Resolution Practitioners' Guide. 1998. Washington. Technical Publication Series, Center for Democracy and Governance.
 - 23 Source: <http://www.duhaime.org/adr2.html>
 - 24 ADR-Mediation: How it works. Source: <http://www.duhaime.org/adr2.html>
 - 25 MLAA Annual Activity Report 1998-1999, New Town, Madaripur. p. 2 (app.B).
 - 26 MLAA Annual Activity Report 1998-1999, New Town, Madaripur. p. 2.
 - 27 Shalishkers is a Bengali word. It means those who are involved in solving a dispute in an organized salish. In traditional salish, salishker means "elders or aged persons in the disputant community." In Union Parishad Arbitration Council, Salishker refers to the Parishad Chairman and representatives of disputing parties.
 - 28 Blair, Herry. 2003. Village Justice in Bangladesh: Reforming the Traditional Salish. Prepared for the Department of International Development UK High Commission. Dhaka, Bangladesh on the January, 2003.
 - 29 <http://www1.worldbank.org/publicsector/legal/adr.html>
 - 30 Blair, Henry. 2003. Village Justice in Bangladesh: Reforming the Traditional Shalish. Prepared for the Department of International Development UK High Commission. Dhaka.
 - 31 Ain O Salish Kendra. 1997. Human Rights in Bangladesh 1996. Dhaka: University Press Limited. p. 31.
 - 32 Malik, Shadeen. 2003. Bangladesh Legal Aid and Services Trust: Activities, Strategy, and Vision. Washington: Workshop on Legal Services for the Poor. www.worldbank.org/legal/legop_judicial/ljr_conf_papers/malik.pdf.
 - 33 Yussouf, M. M. ADMINISTRATION OF JUDICIAL SYSTEM IN BANGLADESH
www.dailystarnews.com/law/200301/01/index.htm
 - 34 <http://www.undp.org/hdr2000/english/presskit/chartsfigures.pdf>
 - 35 <http://www.undp.org/hdr2000/english/presskit/chartsfigures.pdf>
 - 36 Transparency International. 2002. "Corruption in South Asia: Insights and Benchmarks from Citizen Feedback Surveys in Five Countries" Dhaka: Transparency International, December. 2002.
 - 37 Blair, Harry. 2003, Village Justice in Bangladesh: Reforming the Traditional Shalish. Prepared for the Department of International Development UK High Commission. Dhaka, Bangladesh.
 - 38 <http://www.un-bd.org/undp/info/hsr/Chapter%206.pdf>.
 - 39 Change makers Journal-December 2001-Justice for All shalish
 - 40 <http://www.un-bd.org/undp/info/hsr/Chapter%206.pdf>.
 - 41 See, Village Justice in Bangladesh: reforming traditional shalish. Report of Department of International development, U. K High Commission, Dhaka, January, 2003.
 - 42 Change makers Journal-December 2001-Justice for All Shalish.
 - 43 Ain O Shalish Kendra. 1997. Human Rights in Bangladesh 1996. Dhaka: University Press Limited; D'Souza, Brother John. A. N. M. Aminul Islam, Adv. Shamsuddin Ahmed, Eds. 1995. State of Human Rights 1994 Bangladesh. Dhaka: Bangladesh Manobadhikar Samonnoy Parishad. p. 36.
 - 44 Momen Abdul. 1993. The Muslim Family Laws Ordinance 1961. Dhaka. New Didar Publishing House. pp. 5-7.
 - 45 <http://www.un-bd.org/undp/info/hsr/Chapter%206.pdf>.
 - 46 See, Local Government in Asia and the Pacific- Bangladesh. Country Paper: Bangladesh. UNESCAPSource, www.unescap.org/huset/lgstudy/country/bangladesh/bangladesh.html
 - 47 S. A. Hassan, Paribarik Adalat, Law and Ordinance and Muslim Family Law and Regulations. pp. 5-20.
 - 48 Village Court is the English term for the Bengal Panchayet or Chowkidari. The Local Government Ordinance of 1976 with its subsequent amendment within this Act gave the Local Union Parishad Chairman power to solve local

- disputes and property matters that do not exceed Taka (money) 5000. See, Human Security in Bangladesh: In search of Justice and Dignity. September 15, 2002. UNDP Report analysis barriers to human security and present solution. pp. 91-92.
- Source: <http://www.un-bd.org/undp/info/hsr/>
- 49 Blair, Herry. 2003. Village Justice in Bangladesh: Reforming the Traditional Shalish. Prepared for the Department of International Development UK High Commission. Dhaka, Bangladesh.
- 50 Malik, Shadeen. 2003. Bangladesh Legal Aid and Services Trust: Activities, Strategy, and Vision. Washington: Workshop on Legal Services for the Poor. www.worldbank.org/legal/legop_judicial/ljr_conf_papers/malik.pdf.
- 51 MLAA Annual Activity Report 1999-2000 New Town, Madaripur.
- 52 MLAA, Annual Activity Report, 2000-2001 New Town, Madaripur.
- 53 Many programs of The Asia Foundation in Bangladesh have been carried out with support from the U.S. Agency for International Development. Source: <http://www.asiafoundation.org/Locations/bangladesh.html>
- 54 Ain O Shalish Kendra. 1997. Human Rights in Bangladesh 1996. Dhaka: University Press Limited.
- 55 Abed Fazle Hasan. 1972. BRAC, formerly known as Bangladesh Rural Advancement Committee, was established as a relief and rehabilitation organization. BRAC turned its focus on the long-term issue of poverty alleviation and empowerment of the poor, especially women, in the rural areas of Bangladesh. Source: <http://www.brac.net/aboutb.htm>
- 56 MLAA Annual Activity Report 1999-2000 New Town, Madaripur.
- 57 MLAA Annual Activity Report 1999-2000 New Town, Madaripur.
- 58 MLAA Annual Activity Report 1999-2000 New Town, Madaripur.
- 59 The Reflections on Women and Violence in Bangladesh
<http://www.hrsolidarity.net/mainfile.php/2001vol11no5/67/>
- 60 MLAA Annual Activity Report 1998-1999, New Town, Madaripur.
- 61 MLAA Annual Activity Report 1999-2000, New Town, Madaripur. p. 1.
- 62 MLAA Annual Activity Report 1999-2000, New Town, Madaripur. p. 1.
- 63 <http://www.citechco.net/idhrb/comillal.html>
- 64 <http://www.citechco.net/idhrb/comillal.html>
- 65 MLAA Law and Human rights publication. 2002. New Town, Madaripur.
- 66 Bangladesh Case Study, MLAA Annual Activity Report 1999-2000, New Town, Madaripur.
- 67 MLAA Annual Activity Report 1999-2000, New Town, Madaripur.
- 68 Dowry means any property or valuable security given or agreed to given either directly or indirectly by any parties for marriage purpose. Though it is prohibited in Bangladesh by Act 1980. But it is still practiced in society. See Khondaker A Baker 1989, A hand book of dowry prohibition Act 1980. Sobhan Salma, 1978. Legal Status of Women in Bangladesh. p. 36.
- 69 Khula talak is dissolution of Muslim marriage by agreement between the husband and wife. See, Mulla's - Principles of Mohamedan Law, 19th Ed. M.M. Bombay. Tripathi Private Ltd. 1972, p. 365.
- 70 Momen Abdul. 1993. The Muslim Family Laws Ordinance 1961. Dhaka. New Didar Publishing House.
- 71 <http://www1.worldbank.org/publicsector/legal/adr.htm>
- 72 <http://www1.worldbank.org/publicsector/legal/adr.htm>
- 73 Accessible Justice Bulletin. Issue 2: Spring-Summer http://www.penalreform.org/english/nlaccess2_2.htm
- 74 Alternative Dispute Resolution Practitioners' Guide. 1998. Washington. Technical Publication Series, Center for Democracy and Governance.
- 75 Alternative Dispute Resolution Practitioners' Guide, 1998. Washington. Technical Publication Series, Center for Democracy and Governance. p. 13.
- 76 MLAA Annual Activity Report 1999-2000, New Town, Madaripur. p. 10.
- 77 Alternative Dispute Resolution Practitioners' Guide, 1998. Washington. Technical Publication Series, Center for Democracy and Governance. p. 10.

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