



Dispute Resolution in Bangladesh

Litigation and arbitration



Formal means of dispute resolution through initiating suits in the subordinate courts having original jurisdiction.

Despite being very time consuming and costly, still the mainstream method of dispute resolution.

Under section 44A, Code of Civil Procedure, 1908: Judgment of a court of foreign country shall be directly enforceable in Bangladesh only if such country has reciprocal agreement with Bangladesh.

At present, **Bangladesh does not have** such reciprocal arrangement to enforce the judgments with most of the countries .

To enforce the judgment pronounced by a foreign court, a fresh suit has to be filed in Bangladesh. In such suits, there will be a strong rebuttable presumption by the courts in Bangladesh that the foreign judgment by the foreign court is conclusive evidence in respect of the matters adjudicated.



Discovery, jury, or class action in litigation

Order 11 of Code of Civil Procedure, 1908: provision for discovery of documents and information by way of serving interrogatories.

There is **no jury trial** in Bangladesh.

Class action, otherwise known as **representative suit in Bangladesh**, is permissible under **Order 1, Rule 8 of Code of Civil Procedure, 1908**.



Arbitration

- Most commercial contracts contain arbitration clause over litigation.
- Where forum of arbitration is outside Bangladesh, **the Arbitration Act, 2001** may not apply so as to bar litigation on the same issue within Bangladesh.
- An arbitration award pronounced abroad may be directly enforceable in Bangladesh by filing an application with the Court of District Judge.

Recommendation of arbitral institution & arbitration place for foreign investors



The Bangladesh International Arbitration Centre (BIAC) is the pioneered arbitration institution in Bangladesh.



Although, in case of international arbitration Singapore or United Kingdom is often the chosen location.