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Press release

On the 11th death anniversary of Tareque Masud and Mishuk Munier, BLAST demands creation of a state fund to achieve justice and provide adequate compensation to all victims of road accidents due to negligence.

11 years ago on 13 August, 2011 internationally renowned filmmaker Tareque Masud and Chief Executive Officer of ATN News Ashfaq Mishuk Munier and 3 of their colleagues were killed in a tragic road accident. Commemorating that day, BLAST calls for justice for road accident victims and their families and ensuring accountability of those responsible as well as redress for victims through an effective insurance system.

After the death of Tareque Masud and Mishuk Munier, the driver of the attacking car was tried and punished. The families of Tareque and Mishuk filed a compensation case against the car's driver, owner and insurance company. Besides, a few lawyers including advocate ZI Khan Panna filed a Public Interest Litigation regarding road safety. The last decade has seen a number of improvements in road safety - BLAST applauds the government in this regard. The government has allocated funds for road safety, as well as new legislation in 2018. But we are concerned that many victims and families are yet to receive justice. Although the Road Transport Act was enacted in 2018 to ensure safe movement of people on roads, it is not properly implemented.

The existing Road Transport Act mentions a compensation fund for victims of accidents due to negligence, but there is no effective implementation of the same. Considering the importance of passenger safety, there is a need to make necessary legal reforms including provision of timely financial compensation and creation of state fund for compensation. BLAST demands for a compulsory and integrated (same for marine, road and air) passenger insurance considering road accidents as humanitarian disaster and taking into account the working life of killed and injured persons, mental-physical loss of dependent family members due to death and long-term financial loss for their growth and development. In addition, the insurance money cannot be included in the compensation money and the concerned organization will directly pay the insurance money to the affected family - demanding to the concerned authorities to add such a provision.

In this context, the honorary executive director of BLAST Sara Hossain stated, "A lot of important work on road safety has been done by the state over the last ten years - new laws have been enacted, a lot of work has been done on black spots, road repairs have also been done. Apart from this, many compensation orders have been made by the court in respect of the injured persons. But we still see an accountability system and an effective mechanism to provide proper and speedy compensation have not been

constructed for families and individuals who are losing their lives or are being physically or mentally harmed due to road accidents."

Taqbir Huda, a researcher on compensation law, said, "In order to prevent irregularities on the road, the Bangladesh Road Transport Authority should strictly control the transport companies and at the same time compel the transport companies to pay adequate compensation to the people affected by road accidents."

After the death of Tareque Masud, the plaintiff in the compensation case, his wife and filmmaker Catherine Masud said, "About 5 years ago, the High Court ruled on our compensation case. In the case, bus drivers, bus companies and insurance companies were held responsible for road accidents. Although this historic judgment was delivered in our favor but till now we have not received any compensation. The appeal against the High Court judgment is yet to come up for hearing in the Supreme Court cause list. Our friend Mishuk Munier died in the same accident. The compensation case filed by his wife and son is still under trial in the High Court."

She also said, "According to the judgment of the High Court, they have been ordered to pay BDT 4.5 crores as compensation. Out of which, the insurance company has been ordered to pay us only BDT 80 thousand. This amount was calculated by the insurance company as per its own insurance policy. The court ruled that the insurance company had no additional liability in the accident. The main objective behind the appeal was to clarify the liability of insurance companies in road accidents. When we started working on this case in 2020, we hoped that this case would set a precedent and thereby increase safety on the roads of Bangladesh in the future for all people. So far we have not been able to fulfill that dream."

Advocate ZI Khan Panna, a member of the Board of Trustees of BLAST and a Supreme Court lawyer and one of the plaintiffs in the public interest case related to road safety, said, "In Bangladesh, more lives have been lost due to road accidents than during the Corona period. Even though a significant amount of budget has been allocated for the road and transport sector, the people are being deprived of its benefits due to lack of proper planning and proper supervision.

Context:

Road accidents are constantly increasing. According to the Road Safety Foundation, there were 18,169 accidents due to negligence on the road from 2019 to July 2022. In those accidents, 20,974 were killed, and 28,582 were injured.

After the death of Tareque and Mishuk Munier, various initiatives were taken regarding the rights of road accident victims. Their family members filed cases for compensation. Catherine Masud won a landmark judgment in this regard - the appeal of which is pending. The compensation case filed by Mishuk Munier's family is awaiting trial.



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BANGLADESH LEGAL AID and SERVICES TRUST (BLAST)

Artist Dhali Al Mamun, who was injured in the same accident, received special medical treatment with the help of the state. The driver responsible was also tried and sentenced. The High Court has already awarded many compensations directly through other writ cases, and given other directions regarding road safety. There have also been many state initiatives - in this regard the enactment of the Road Transport Act 2018 is a significant step.

It is to be noted that on 14 August 2011, lawyer ZI Khan Panna, BELA and two lawyers filed a public interest litigation (7401/2011) in the High Court with the aim of ensuring regular supervision of safe movement on roads and highways, responsibility of the concerned authorities and compensation for the affected persons. BLAST conducted the said case, which is currently awaiting trial.

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