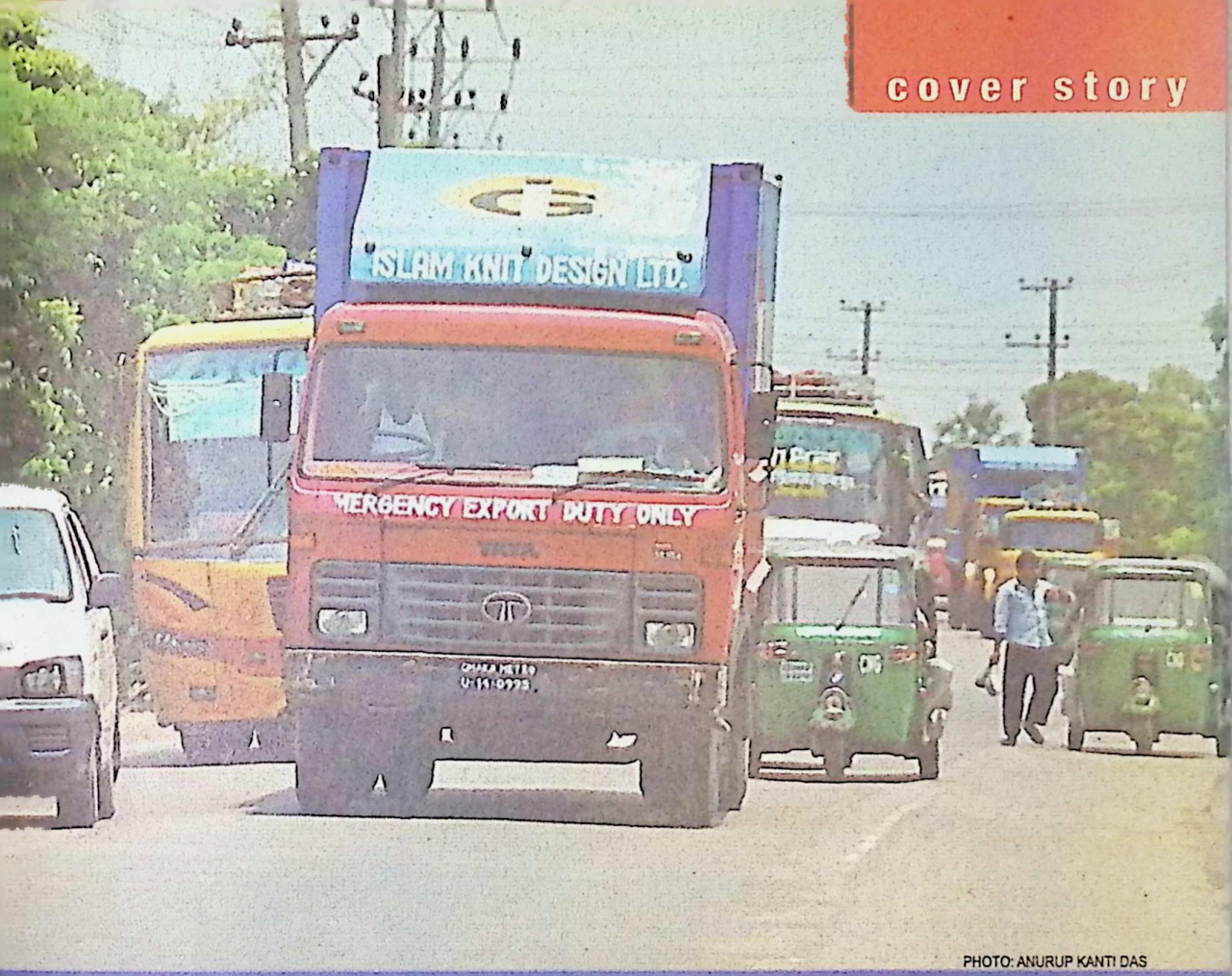


PHOTO: ANURUP KANTI DAS

THE PRICELESS

Now all that may change.

On February 13, 2012, two cases were filed before the Motor Accidents Claims Tribunal, Manikganj by the families of Tareque Masud and Mishuk Munier as claimants under Section 128 of the Motor Vehicle Ordinance 1983. On October 1, 2013 the applications under Article 110 of the Constitution, for transfer of both cases to the High Court Division were filed. Considering its importance and potential to set a precedent in future, the High Court issued orders to move the cases to the High Court. Earlier, a criminal case under Section 304 of the Penal Code for reckless driving was filed in this regard and is still continuing.

There is a difference between civil cases and criminal cases: in the case of road crashes, most people think that the only type of 'case' is the criminal case filed against the party at fault, who is usually the driver. Claiming compensation falls under the jurisdiction of civil law while prosecuting the driver or the owner is under the jurisdiction of criminal law. For civil cases, filing must take place within six months of the incident.

"This case is about the thousands of people who have been maimed and killed in road accidents and the thousands who will be in future, if drastic measures are not taken," says Catherine Masud, wife of late Tareque Masud. "Under the Motor Vehicles Act (MVA) 1983, not only drivers, but also vehicle owners and insurers, are liable as responsible parties under civil law. Our case is a groundbreaking attempt to bring this long-neglected law to public notice so that in future, road crash victims and their families may have a means to be legally compensated for their losses."

According to a WHO estimate, the actual number of deaths in road crashes in Bangladesh may be around 20,000, one of the highest in the world although the numbers released by