

WORLD DAY OF REMEMBRANCE FOR ROAD TRAFFIC VICTIMS

Gone but not forgotten



Abdul Karim, 18, and Dia Khanam Mim, 17, of Shaheed Ramiz Uddin Cantonment College were run over and killed by a bus on July 29, 2018.

“Unless the drivers are penalised strictly, they will treat the meagre fines as a slap on the wrist and continue to drive or even worse, race, recklessly, putting countless lives at risk”

- ILIAS KANCHAN

From a hero on the big screen to a hero advocating road safety, Ilias Kanchan's fight to ensure safer roads for the public began after the death of his wife Jahanara Kanchan in a road accident on October 22, 1993, a day which finally gained recognition as National Road Safety Day in 2017, much to the credit of Kanchan's relentless campaign. What began out of a personal loss of a loved one, over time matured into a global movement under the banner Nirapad Sarak Chai (Nischa). With branches all across Bangladesh and in USA, UK, Saudi Arabia and Malaysia, Kanchan spearheads the organisation for the sole purpose of implementing road safety for all, since its formation on December 1, 1993. He believes that the Road Transport Act 2018 which came into effect from this month is on par with his crusade.

“At the time of my wife's demise, people's perception about road accidents was rather naïve. They thought that it was meant to be, so it happened. But I differed. After much effort, that perception began to change. Even more so since United Nations proclaimed the Global Plan for the Decade of Action for Road Safety 2011–2020. The lack of knowledge among the general people about traffic rules/practices, the absence of institutional training of vehicle drivers, the widespread use of unfit vehicles and the lack of scientific planning behind the construction of the roads, among others, collectively contributed to road crashes. Therefore, it was evident that such casualties were man-made and thus preventable. By then, the government

took notice and improvements were in the offing.

“Many of the crashes resulted from head-on collision and speeding on the highways. Strict traffic rules were of utmost necessity. We began by suggesting one-way roads on the highways, use of dividers, formation of highway traffic police force, and many other corrective measures. Of them, we stressed heavily on the proper institutional training of drivers. We also emphasised on the issue that unless the drivers are penalised strictly, they will treat the meagre fines as a slap on the wrist and continue to drive or even worse, race, recklessly, putting

road safety last year, in the spur of the moment, a new bill was passed. However, it was opposed by many from the transport sector. Finally, with the prime minister's approval, the bill has seen the light of day.

“Nischa continues to operate at multiple social spheres of the society, including schools, universities and madrasas, creating awareness about road safety. We also provide free training to people from underprivileged backgrounds to help them sustain a livelihood through proper driving. “I firmly believe that once the law is taken into full consideration and



Ilias Kanchan with his wife Jahanara Kanchan. She died in a road accident on October 22, 1993.

PHOTO: ILIAS KANCHAN'S ARCHIVE

countless lives at risk.

“By 2012, there was a draft for a new law on traffic but unfortunately it was omitted. In 2016, yet another draft was prepared with the hope that the government would consider it. Later, with the student uprising demanding

everyone begins to abide by it, there will be considerable improvements in the overall traffic system of our country and hopefully one day our roads will lead every citizen home safe and sound.”

Interviewed by Minam Haque

“When a member of a family is gone, they are gone forever. And those who are left behind are left to feel their absence forever”

-RAJIB HOSSAIN'S AUNT, MS JAHANARA

On April 3, 2018, Rajib Hossain lost his hand between two racing buses in Dhaka. On April 17, he passed away after succumbing to his injury. Rajib's two brothers, both in their teens, have no immediate family left to take care of them. Rajib's maternal aunt, Ms Jahanara, says they often mention their elder brother, who used to take care of them, and tell her how much they miss him.

“I go to pick them up from their exams, they say if Rajib was still here, he would have picked them up himself. They are still very upset; they still cry often. They don't have any parents or many relatives. Rajib grew up in my house. I thought once he grew up, he would take care of his brothers. The media has given a lot of coverage to Rajib's story. But nothing has happened—and a day will come when people will stop talking about Rajib. But those close to him will always miss him, their pain will never go away.

“This is what people never realise. When a member of a family is gone, they are gone forever. And those who are

left behind are left to feel their absence forever. Rajib would buy pencils and other stationary for his brothers.

No matter what the government says, nothing is being done. Reckless driving continues to take lives every day. If the government took proper action, maybe more families could be spared the pain of losing their loved ones.

Despite all the talk about compensation, we have not received anything at all. Where is the justice? There is no justice.

The court ordered the bus companies to pay Tk one crore as compensation. There is an ongoing court case on that. The court then ordered them to pay Tk 10 lakh within 30 days. Still we have received nothing. People often ask us how much money we have been given. That's all they talk about. But the truth is, the bus companies haven't had to give up anything.

The companies didn't even act according to the court's ruling. If they can ignore the courts, who are the people supposed to turn to? Where will the

people go? Who do they have to help them, to support them, and where will they go to get justice?

Had one or two of these reckless drivers and bus companies been punished, hundred more would have fallen in line and refrained from acting in this dismal manner. But no one ever gets punished, and that simply encourages more tragedies to happen. When will this stop? The media continues to cover one such story after another. And soon, one victim's face is replaced by another, until one after the other keeps being forgotten.

But if you want the truth about what happened, all you have to do is look at the faces of Rajib's brothers. They have not forgotten him. And their faces tell more than anyone can ever comprehend—about pain, loss and suffering. I still cannot look at Rajib's image without breaking down in tears. We all miss him so much, the pain and loss that we feel cannot be explained in mere words.”

Interviewed by Eresh Omar Jamal



Rajib Hossain lost his hand between two racing buses in Dhaka on April 3, 2018. He later succumbed to his injuries.

“If the law is applied only for the bus drivers but not a lawmaker's son, then nothing will change”

-ASIF MUNIER

Asif Munier, younger brother of Mishuk Munier and also a rights and cultural activist, development professional on migration and displacement issues, talks to *The Daily Star* about the issues that should be addressed for properly enforcing the Road Safety Act, 2018.

“I feel that passing a law such as the road safety act is just one step in ensuring safe roads. This law cannot have an impact on the ground without an overall systemic change. We must have a mechanism in place so that the law can be enforced properly. There are two aspects of enforcement. One, whether people are abiding by the law, and two, if the government is properly enforcing the law. Obviously, the responsibility of the state mechanism is more important, but the general people also have to play their due role.

“We must feel that this is our country and anything that is harming the country is, in fact, harming us. Thus, we must play our own part to make the law effective.

“Last year, during the road safety movement, the schoolchildren set an example that law can be applied to all. They stopped everybody, irrespective of their identity, and checked their licenses and related papers. Our police must also do so. They must take action against anyone who is violating the traffic rules. If there is a need, we can have separate lanes for the VIPs, the ambulances and emergency services. But the police should not allow the “VIPs” to drive on the wrong side of the road.

“Many ride sharing transport and CNG-run three-wheeler drivers expressed their fear that the new law might be misused by the police. I came to know about their fear while travelling by the ride sharing services. According to them, the police might now demand more money from the drivers

against whom a case is filed for violating the law. Say, for example, if a driver is fined Tk 10,000, the traffic police might demand Tk 5,000 to withdraw the case against him.

“Through giving the police a proper pay-scale as well as ensuring discipline and accountability in the force, corruption can be checked, which is needed to enforce the road safety law as well as many other laws.

“When the court sentenced the driver to life imprisonment for his reckless driving that killed Tareque Masud, Mishuk Munier and three others in 2017, the whole country came to a standstill because of the strikes enforced by the transport workers and owners. Why are these people so powerful? Is it because they have connection with the top brass of our society and perhaps even the lawmakers? If we cannot break the syndicate of the transport workers and transport owners, this law will not help.

“Speaking of reckless driving, it is not only the drivers of the public transports who do are to blame, it is often the children of the rich people who drive recklessly. I live in Banani; on New Year's eve, I often see children of the rich people driving recklessly and speeding. So, the law has to be applicable for everyone. If the law is applied only for the bus drivers but not a lawmaker's son, then nothing will change.

“Apart from law enforcement, what is important is governance. Bangladesh has formulated many good laws and ratified many international conventions. But when it comes to implementing these conventions or laws, we seem very weak, because we do not bring the laws under a system for implementation. And that happens for lack of a strong political will on the part of the government.

“Moreover, the independence of the judiciary is a must. Without having an independent judiciary, we cannot change anything. No matter how many laws we formulate, we will not be able to enforce them, if those with money and power can get bail or manipulate the law in their favour.

“We must make sure that the law is applied to all and we must have trust in the law.”

Interviewed by Naznin Tithi



Mishuk Munier, a cinematographer and media personality, along with renowned filmmaker Tareque Masud and three of their film production crew died in a fatal road crash on the Dhaka-Aricha highway in Ghior upazila of Manikganj on August 13, 2011. PHOTO: TAREQUE MASUD MEMORIAL TRUST

“With the Road Transport Act of 2018, the owners and insurers have been let off the hook, and they can proceed to operate with impunity as many thousands of lives continue to be lost every year”

-CATHERINE MASUD

In October 2018, noted filmmaker Catherine Masud talked to Nahela Nowshin about her own journey of navigating the justice system and the shortcomings of the recently passed Road Transport Act 2018. We are reprinting experts from her interview on the occasion of World Day of Remembrance for Road Traffic Victims.

“Our struggle for justice in the compensation case against the bus driver, bus companies and insurers who were directly and indirectly responsible for the crash was a long and difficult one. When the verdict was handed down in December 2017, we were tremendously relieved that it had gone in our favour. However, we were disappointed that the insurance company was let off with so little liability.

“While the government is to be commended for its attempt to revise some of the outdated aspects of the earlier road transport legislation, with respect to the issue of compensation, the 2018 Act actually represents a step backward. The Motor Vehicle Ordinance 1983, under which we filed our High Court case, contained a provision for suing for compensation from not only drivers but also the transport company owners and insurers. This provision for compensation on the basis of vicarious liability is a standard one in many countries around the world, and is a fundamental necessity for ensuring accountability of those at the apex of the transport sector who are ultimately responsible for the negligence and misconduct of the vehicles

they own or insure and the employees that drive them.

“Only when transport owners and insurers are made financially liable will lasting positive change come to this sector, as they will be motivated out of self-interest to make sure that vehicles meet safety standards, drivers are properly trained, licensed and paid, and traffic rules are enforced and obeyed.

“But the 2018 Act removes the right of the victims of road crashes to sue for compensation from transport owners and insurers. Possibly it is the powerful lobby groups for these interests who ensured that this provision was dropped from the new Act, out of fear that the precedent set by our case would lead to a flood of similar cases.

“In place of this provision, which should be a fundamental right, the new Act provides for a mechanism of monetary assistance through a vaguely defined “Financial Aid Fund”, whose name implies charitable support to victims rather than true compensation for their losses and suffering. Although such a Fund may play an important role in providing more immediate, interim relief to victims of road crashes and their families, it can by no means replace a mechanism of legal compensation, but rather can play an important supplementary role. So with the Road Transport Act of 2018, the owners and insurers have been let off the hook, and they can proceed to operate with impunity as many thousands of lives continue to be lost every year.”