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## Metro mishap exposes legal void in victim compensation

TUHIN SHUBHRA ADHIKARY

The death of a pedestrian and injuries to two others -- caused by a bearing pad that fell from a metro rail pillar on Sunday -- have exposed a critical gap in the legal framework regarding compensation for victims of metro rail-related accidents.

The existing Metro Rail Act stipulates that if any person is injured or killed during metro rail operations, their family is entitled to compensation in an amount and manner determined by rules.

However, the rules formulated under the act do not specify how such compensation should be determined or who is responsible for paying it, leaving victims' families in legal uncertainty.

Under the act, the Dhaka Mass Transit Company Limited (DMTCL) is required to insure all passengers and third parties, with compensation to be provided through those insurance policies. However, no steps have been taken to implement such coverage, leaving victims with no avenue for redress.

At present, compensation can only be granted if the government decides to do so or if ordered by a court.

Following Sunday's incident in the capital's Farmgate area, Road Transport and Bridges Adviser Muhammad Fouzul Kabir Khan announced that the family of the deceased will receive Tk 5 lakh, and an eligible family

- » Metro rail rules lack compensation clause
- » Victims have no guaranteed legal recourse
- » DMTCL has not insured rail, passengers as required

member will be offered a job at DMTCL. The government will also bear the treatment costs of the injured.

The victims of road, railway, or waterway accidents can get compensation under relevant acts.

For example, under the Road Transport Act-2018, which entitles a trustee board to deal with the compensation issue, the family of a person killed in a road crash is entitled to Tk 5 lakh in compensation. Those who lose a limb or suffer life-altering injuries receive Tk 3 lakh each, while victims expected to recover fully are entitled to Tk 1 lakh.

However, most victims remain excluded from the scheme due to a lengthy and complex process, as well as a lack of awareness.

Metro rail, the country's newest mode of transport, was launched in December 2022 and operates under the Metro Rail Act 2015 and Metro Rail Rules-2016. It is operated by the state-run DMTCL.

### LITTLE SCOPE TO GET COMPENSATION

Section 25 of the Metro Rail Act states, "If any person is injured, harmed, or dies as a result of an accident during metro rail operations, the licensee [DMTCL] shall be obligated to provide compensation to that person or the victim's family, as applicable, in the manner and amount determined by the rules."

However, the corresponding rules, which have 31 sections, make no mention of compensation.

Section 26 requires the metro rail authority to send any injured person to the nearest hospital for primary treatment and to reimburse medical expenses if the person seeks treatment independently, again "in the manner and amount determined by the rules". Yet, the rules are silent on this matter as well.

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Iron rods, meant for constructing a building, are left in front of a gate near the entrance to Farmgate Metro Rail Station, forcing people to use the street and put themselves in harm's way. The photo was taken yesterday.

PHOTO: PRABIR DAS

Deploy law enforcers a week ahead of election

Jamaat tells EC, places 18-point recommendations

STAFF CORRESPONDENT

Bangladesh Jamaat-e-Islami yesterday placed an 18-point set of recommendations before the Election Commission.

The party called for the deployment of the armed forces, Border Guard Bangladesh (BGB), Rapid Action Battalion (Rab) and police at least a week before the 13th national election scheduled for next February.

In its letter to the EC, Jamaat also called on the EC to bar officials and employees who were involved in previous elections and have been deemed controversial or questionable from being assigned any poll duties.

The letter was handed over by a seven-member Jamaat delegation to Chief Election Commissioner AMM Nasir Uddin as part of discussions on

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## EU to deploy full team to observe national polls

STAFF CORRESPONDENT

The European Union plans to send a large team of election observers to Bangladesh for the upcoming general election, scheduled for the first half of February, marking the bloc's first full-fledged mission since 2008.

EU Ambassador to Bangladesh Michael Miller made the announcement during a meeting with Chief Adviser Prof Muhammad Yunus at the State Guest House Jamuna in Dhaka yesterday.

He said the EU observer mission was yet to be formally confirmed but could include between 150 and 200 members. Some are expected to arrive about six weeks before the election, while others will join a week prior to polling day.

"This would be the first time since 2008 that the EU is sending such a full-fledged election observer team to Bangladesh," Ambassador Miller told the chief adviser, adding that the EU would also assist in deploying local election observers during the vote.

During the hour-long meeting, both sides discussed a wide range of issues, including governance and constitutional reforms, election preparations, judicial and labour reforms, trade and investment relations between Bangladesh and the EU, and the broader political process.

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## CHALLENGES IN POLICING 3

### Seized vehicles rotting under police watch

They blame lack of impound lots, manpower, and delay in court orders

SHAHEEN MOLLAH and MOHAMMAD JAMIL KHAN

After six years of legal procedures and waiting, Oman expatriate Morium Akter returned home in early August to reclaim her private car from Kafrul Police Station.

On August 23, she went to the station with a court order permitting the car's release. But when officers showed her the vehicle, she was stunned -- it was completely damaged, flattened, stripped of its parts, with three other cars stacked over it.

"It was unrecognisable. If I had known its condition, I wouldn't have gone through so much trouble to reclaim it," she said.

Morium spent about a month visiting the court, BRTA, and lawyers' offices, spending around Tk 10,000-12,000 to complete the paperwork. "But when mechanics examined the car, they said it could not be repaired."

She added, "The entire interior was gone. Mechanics at Dholakhal said the parts had been stolen long ago and advised me to sell it for scrap, worth only Tk 6,000-8,000."

She had bought the second-hand Toyota Corolla nine years ago for Tk 7.5 lakh.

In 2019, while she was abroad, the car was seized after being used in an attempted abduction by a renter and stored at the

police station as evidence. Her husband, Mohammad Hanif, repeatedly contacted the police and court but was told only the owner could reclaim it -- prompting Morium's return.

around them, but we have nowhere else to store them."

Visiting the police station on October 7, this newspaper found vehicles stacked one over another due to a lack of space. Most were crushed under the weight of others, and many had no tyres, windows, or intact body structures.

The situation is similar in almost 50 police stations in the capital -- where seized vehicles kept as evidence in criminal or traffic cases have been left to rot for years.

Sub-Inspector Ariful Islam of Shah Ali Police Station said they have seven such vehicles, four of which are completely broken. "The owners of three cars visit sometimes, but they can't take them back without full documentation."

Due to space shortages, station officials have kept the seized vehicles on the footpath. Motorbikes and other vehicles were also found on the road during a visit by The Daily Star on October 8.

Golam Azam, officer-in-charge of the station, said, "The station is small, so they kept some vehicles on the street. We also don't have enough manpower to guard the damaged vehicles."

According to locals, thieves and homeless children are often seen around the abandoned cars. "At night, some people come and remove parts. Some sleep inside them," said a resident.

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Impounded vehicles are heaped inside the Kafrul Police Station compound. Due to a lack of space, the vehicles are left like this, sometimes for years. The photo was taken recently.

PHOTO: SHAHEEN MOLLAH

## Ceasefire in tatters as Israel strikes Gaza

At least 2 killed after Netanyahu orders 'powerful attacks'

REUTERS, Jerusalem/Cairo

» Israel says Hamas violated truce with attacks on Israeli forces

» Netanyahu accuses Hamas of handing over wrong hostage remains

» Hamas says Israel seeking excuse to resume war

Israeli aggression in Gaza.

On Saturday, Israel said its forces carried out a "targeted strike" on a person in central Gaza who was planning to attack Israeli troops.

Earlier yesterday, Netanyahu accused Hamas of violating the ceasefire by turning over some wrong remains in a process of returning the bodies of those killed in the war.

Netanyahu said the remains handed over on Monday belonged to Ofir Tzafati, an Israeli killed during Hamas' October 7, 2023, attack. Tzafati's remains had already been partially retrieved by Israeli troops during the war.

Hamas initially said in response to this that it would hand over to Israel yesterday the body of a missing hostage found in a tunnel in Gaza. However, Hamas' armed wing, Al-Qassam Brigades, said later it would postpone the planned handover, citing what it said

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The Israeli strikes targeted an area close to Shifa hospital, the largest operational hospital in northern Gaza, witnesses and Hamas media said.

At least two people were killed and four others were injured in the Israeli strike, Gaza's civil defence said.

The Israeli military did not immediately comment on the strikes, which were the latest violence in a fragile three-week-old ceasefire and which followed a statement by Netanyahu's office saying he had ordered immediate attacks.

The statement did not give a specific reason for the attacks.