

## **Conference on Transport, Law and Policy**

**Date: March 09, 2019  
Venue: BILIA Auditorium**

Bangladesh Institute of Law and International Affairs (BILIA) has organized a day-long conference on, **“Transport, Law and Policy”** on Saturday, March 9, 2019 at BILIA Auditorium. This daylong conference was divided into two working sessions with separate theme respectively, **“Road safety and Traffic Policy”** and **“Law, Traffic Crimes and Compensation”**.

### **First Working Session (10:00 a.m. to 01:10 p.m.):**

The first working session was presided over by Professor Dr. Md. Mizanur Rahman, Transportation and Traffic System Expert and also the Director of the Accident Research Institute, Bangladesh University of Engineering and Technology (BUET). Whereas, Mr. Md. Atiqul Islam, DIG, Highway Police, Ms. Aninun Nahar Siddiqua Lipi, Advocate, Bangladesh Supreme Court and also a penal lawyer of BLAST and Kazi Md. Shifun Newaz, Assistant Professor, Accident Research Institute, BUET were the designated discussants for the first session.

The session started at 10:00 am with the welcome address by Dr. Shahdeen Malik, Honorary Director, BILIA. Mr. Malik, in his introductory remarks, motioned that from past few years traffic problem is one of the most discussed topics around the country which is focused by both the print and electronic media with foremost importance. He pointed out the estimated number of deaths by road accidents by quoting some of the reports covered by leading national dailies. He also said that these reports basically focused on the numbers of the on-spot death cases, whereas, the cases of serious injury and resulting consequential deaths of the victims remained mostly unreported. He also added that, in our society giving capital punishment to the accused of the road accidents and traffic crimes is considered to be of more effective than finding an appropriate solution as well as adopting proper legal framework. He addressed this situation as one of the key features of an undemocratic society.

After the welcoming address by Dr. Malik the honourary Chair Mr. Rahman appreciated the approach of BILIA for bringing up such a significant topic for discussion and thanked all participants of the conference. He also summerised the agenda of this conference.

Four papers were presented in the first session pertaining to the theme of the conference as well as the respective session.

Ms. Anjelika Hasan, Assistant Professor of Law, Green University of Bangladesh presented the first paper of the session titled, **“Reckless Driving in Violating the Traffic Rules and Its Impact on Road Accidents in Bangladesh: A Challenging Issue to Life Safety”**. In her presentation she

focused on the vicious consequences of reckless driving and tried to discuss the risks it holds in causing road accidents and threat to life safety. Ms. Tanzima Akter Sumi, Lecturer of Law, BUBT presented the second paper of the session titled, “Women Safety in Moving Transport, an Urge of Time: Special Consideration to the Concept of Zero FIR, Addressing the Jurisprudential Gaps in Our Criminal Justice System” who is one of the co-authors of the paper along with Ms. Falguni Mozammel, Assistant Professor of the same University. In her presentation Ms. Sumi tried to identify the nature and patterns of the crimes committed against women in moving transports and analyze relevant laws in existence. Followed, Barrister Nahian Nabila Hoque, Associate of Legal Counsel and Adjunct Faculty of British School of Law, presented her paper titled, “Policy Response to Road Transportation in Bangladesh”. In her presentation she tried mapping out the role and effectiveness of public policies on road transport in Bangladesh in reducing road accidents that ultimately saves lives and economic losses. The final presentation of the first session was made by Mr. K.M. Nasir Uddin, Apprentice, The justice Hub, on the paper titled, “Sarak Paribahan Ain-2018: Can the Act Ensure Road Safety?” that paper is co-authored by Mr. Nasim along with Advocate Amir Khasru, Associate, the Justice Hub. In his remarks he tried to critically analyze the Sarak Paribahan Ain-2018 and the responsibilities of the stakeholders, giving special consideration to the duties of BRTA.

After the end of the presentation Mr. Md. Atiqul Islam made a few comments on the papers presented. He mainly focused on the realistic limits of our country and resource. Mr. Islam further encouraged the researchers to bring out the matters that are crucial in order to find the solutions of the transport and traffic related problems but unfortunately remains behind the scenes without getting due attention. Ms. Aninun Nahar Siddiqua Lipi shared her thoughts and suggestions on the papers presented by bringing a number of major issues and procedural complications. Ms. Lipi also appreciated the attempt to bring the concepts of zero FIR in cases of crimes against women and said it can be often seen that the law enforcement authorities themselves misuse the power entrusted to them by breaching the traffic regulations. In his discussion Kazi Md. Shifun Newaz pointed out some facts of the accident cases and the actual reasons behind them that were primarily investigated by his team. He also showed them other than some common reasons some minor faults may also cause serious accidents and life threatening consequences.

The presentations and comments by the discussant and chair were followed by a lively open discussion where questions were posed to the panelists from members of the audience, which included legal practitioners, researchers, academics, economists, development workers.

In the concluding remarks as Chair of the session Professor Dr. Md. Mizanur Rahman observed that, laws alone cannot bring the solutions to the problems of the transportation system, awareness of the public, proper planning and implementation and overall co-operation are also essential.

### **Second Working Session (02:20 p.m. to 04:55 p.m.):**

The second working session was presided over by Kazi Habibul Awal, Former Senior Secretary of Government of Bangladesh and also the Chairman of Center For Legal Studies BD Ltd. While, Dr.S.M. Masum Billah, Assistant Professor, Dept. of Law, Jagannath University, Mr. Mozammel Hoque Chowdhury, Secretary General, Bangladesh Passengers Welfare Association, and Mr. ShahrriorPervaz, Lecturer, Accident Research Institute, BUET were the designated discussants for the second session.

Three papers in total were presented in the second session.

The session starts at 02:20 p.m., with the presentation by Mr. Md. Moniruzzaman, Lecturer of Law, Primeasia University of the paper titled, “Analyzing Tort and Criminal Liability in Road Accidents under the Road Transport Act- 2018”. This paper is co-authored by the presenter along with Mr. Iftekhhar Shahriar, Assistant Judge, Gazipur Judge Court. Mr. Moniruzzaman started his presentation by distinguishing between accidents and culpable homicide under the criminal justice system. He suggested that laws and its terms should be well defined and more specific. After the worthwhile first presentation, the second presentation of the second session was made by Mr. Taqbir Huda, Research Specialist, BLAST on his paper titled, “The Compensation Framework for Victims of Road Accidents: An Appraisal”. Mr. Huda stressed that, the Road Transport Act- 2018 severely weakens the compensation framework for the victims of road accidents but on the contrary he also appreciated this Act on the point that it introduced a state administered fund for granting relief. The final presentation of this day-long conference was delivered by Ms. Tasmiah Nuhya Ahmed, Advocate, Supreme Court of Bangladesh and Research Assistant (Law) on her paper titled, “Comparing the Road Transport Law of Bangladesh with Other Countries”. Ms. Ahmed in her presentation listed out the existing laws of different countries that cover traffic crimes of different nature and the punishment provided thereto.

After the end of the mind-boggling presentation of the learned presenters the designated discussants made their thoughtful remarks considering the matters that were brought forth.

At the end of the discussants’ thoughtful remarks there was another open discussion session where participants were given the floor to ask questions to the resource persons in order to clarify their understandings. Mr. Masum Billah in his mind-storming discussion brought the proposal that the three types of justice systems i.e. Judicial, Legislative and administrative should be amalgamated and be turned into the most crucial justice system that is “Remedial Justice system”. The other discussant Mozammel Hoque Chowdhury, mainly focused on the root level mismanagements and spoke for the rights and the safety of the passengers. Mr. Shahrrior Pervaz, the final discussant shared that the actual number of the accident cases are far higher than that reported by the government officials. He also stressed, implementation of traffic laws is the most important way-out.

In the concluding remarks as Chair of the session Kazi Habibul Awal observed, that the new road transportation Act is like the same old wine in the new bottle. Mr. Awal also suggested that there should be more discussion and research on the relevant matters and wide consultation with the stake holders as well as other learned persons in order to ensure an effective legislation.

*The event is covered by Sumaiya Sarwat, Research Assistant, Bangladesh Institute of Law and International Affairs (BILIA)*

**This Event was also reported by National Dailies, links are as follows:**

1. <https://www.observerbd.com/details.php?id=188493>
2. <https://www.thedailystar.net/city/news/blaming-only-drivers-accidents-wont-bring-results-experts-1712848>
3. <http://www.newagebd.net/print/article/66956>