

Exploring the Compensation Mechanism under the Fatal Accident Act 1855 (FAA) and the Road Transport Act 2018 (RTA) of Bangladesh⁺

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Abstract: The frequency of road accidents is relatively high in Bangladesh. Road accident fatalities cause huge damage to the lives and properties of the victims. Given this background, this study explores the prevailing legal framework in Bangladesh to examine the justness and adequateness of the compensation mechanism by employing a doctrinal method. It critically compares the FAA with the RTA, applying a normative theoretical framework. This framework constructs an evaluative touchstone to analyze the moral legitimacy, legality, and institutional adequacy of just and adequate compensation. The findings indicate that the FAA, historically translating moral liabilities into statutory mandates, is obsolete due to its limited claimant opportunity, exclusion of non-pecuniary damages, no insurance coverage, and traditional colonial legacy. Meanwhile, the RTA fails to ensure adequate compensation due to executive dominance, optional insurance, and a lack of judicial oversight. However, the FAA offers a better approach as it allows victims' family members to seek judicial remedy, but the RTA explicitly restricts it. Therefore, to ensure just and adequate compensation for road accident victims, this study recommends preparing public dashboards and service-level timelines, establishing a national crash and compensation registry, restoring judicial oversight, raising and indexing compensation caps, and broadening the definition of dependents.

Keywords: Fatal Accidents, Road Transport, Restorative Justice, Compensatory Justice, Corrective Justice, Legal Reform

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1. Introduction

Road traffic accidents (RTAs) extensively affect low- and middle-income countries (LMICs),¹ where Bangladesh exemplifies this burden due to rapid motorization without commensurate safety governance,² chronic under-reporting,³ and fragmented compensation pathways,⁴ which has widened the gap between victims' losses and legally realizable remedies.⁵ The bifurcated compensation encompasses the Fatal Accidents Act, 1855 (FAA), where judicial compensation for wrongful death can be claimed, but limits claimants and caps pecuniary loss recovery only,⁶ and the Road Transport Act, 2018 (RTA), by contrast, establishes an administered Financial Aid Fund (FAF)⁷ with fixed schedules and a limited 30-day filing window.⁸ This dual framework systematically ignores non-pecuniary damages and executable redressing. This study analyzes the justness of this approach, employing a doctrinal methodology under a normative theoretical framework.

2. Road Accident Scenario in Bangladesh

Bangladesh's crash fatality rate has risen nearly three times faster than the regional average,⁹ with the WHO's estimation of 25,000 deaths annually.¹⁰ In 2024, independent monitoring reported 8,543 deaths, significantly higher than the 5480 of

¹ WHO, 'Road Traffic Injuries' (*World Health Organization*, 13 December 2023) <<https://www.who.int/news-room/fact-sheets/detail/road-traffic-injuries>> accessed on 28 March 2025; Most Suria Khatun and others, 'Identification and Analysis of Accident Black Spots Using Geographic Information System (GIS): A Study on Kushtia-Jhenaidah National Highway (N704), Bangladesh' (2024) 10 *Heliyon* e25952, 2 <<https://doi.org/10.1016/j.heliyon.2024.e25952>> accessed on 18 August 2025.

² Asm Zulfiquer Ali, 'Profile of Road Traffic Accident Cases Attending in Combined Military Hospital Ramu, Cox's Bazar' (2022) 4 *IAHS Medical Journal* 12, 12 <<https://doi.org/10.3329/iahsmj.v4i2.62516>> accessed on 16 August 2025.

³ Sadhan Kumar Das and others, 'Exploring the Knowledge and Practices on Road Safety Measures among Motorbikers in Dhaka, Bangladesh: A Cross-Sectional Study' (2025) 31 *Injury Prevention* 278, 279 <<https://doi.org/10.1136/ip-2023-045071>> accessed on 25 October 2025.

⁴ Md Borkot Ali, 'Compensation Mechanism for Road Crashes Still Unclear' (*Blast*, 2024) <<https://blast.org.bd/2024/10/23/7135/>> accessed on 18 March 2025.

⁵ Satyajit Kundu, Md Hasan Banna and Abu Sayeed, 'Road Traffic Accidents in Bangladesh: A Top Public Health Issue?' (2020) 2 *Population Medicine* 1, 1 <<https://doi.org/10.18332/popmed/120968>> accessed on 24 March 2025.

⁶ Fatal Accidents Act (Bangladeshi FAA) 1855 (Act No XIII of 1855) ss 1, 2.

⁷ Road Transport Act (RTA) 2018 (Act No XLVII of 2018) s 52.

⁸ Road Transport Rules (RTR) 2022 (SRO 367-Law/2022) r 150(1).

⁹ Global Road Safety Facility, 'Annual Report 2024' (World Bank 2024) 17 <https://www.globalroadsafetyfacility.org/sites/default/files/2024-11/GRSF%20Annual%20Report%202024_1.pdf> accessed on 17 August 2025.

¹⁰ Anupam Saha and others, 'Public Health Consequences of Road Traffic Accident Patterns in Bangladesh: A Comprehensive Analysis' (2025) 8 *Fortune Journal of Health Sciences* 462, 463 <<https://doi.org/10.26502/fjhs.296>> accessed on 16 August 2025.

the BRTA,¹¹ highlighting underreporting. Along with deaths, RTAs account for approximately 2% of Bangladesh's GDP.¹²

3. Grounds for Compensation

Beyond loss of life and infliction of injury, accidents trigger enduring socioeconomic hardships, medical expenses, loss of productivity, property damage, and psychological trauma that trap victims and families in cycles of vulnerability.¹³ So far, in a broader sense, the damages experienced encompass not only pecuniary, but also non-pecuniary.¹⁴ Pecuniary damages are like medical costs, wage loss, and property loss,¹⁵ and non-pecuniary losses constitute pain, emotional discomfort, and reduced life expectancy.¹⁶ Based on these grounds, compensation to a road accident victim (RAV) can be awarded.

¹¹ Tuhin Shubhra Adhikary, 'Fatalities Rise as Initiatives Ineffective' *The Daily Star* (14 January 2025) <<https://www.thedailystar.net/news/bangladesh/news/fatalities-rise-initiatives-ineffective-3798781>> accessed on 30 December 2025.

¹² Abul Bashar Mohammed Khurshid Alam, 'Road Traffic Accidents in Bangladesh' (2018) 36 *Journal of Bangladesh College of Physicians and Surgeons* 137, 137 <<https://doi.org/10.3329/jbcps.v36i4.38178>> accessed on 19 August 2025; Kundu, Banna and Sayeed (n 5) 1.

¹³ Saha and others (n 10) 463; Naimul Razzaque, Sharmin Jahan Runa and Md Sagor Hossain, 'Road Accident and Safety Issue in Bangladesh: A Critical Review' (2024) 7 *Advances in Politics and Economics* 1, 5 <<https://doi.org/https://doi.org/10.22158/ape.v7n1p1>> accessed on 9 November 2024; Naimul Razzaque and Walid Saddat Raffat, 'Road Accident and Safety Issue in Bangladesh: A Comprehensive Study' (2023) 132 *Journal of Law, Policy and Globalization* 51, 52 <<https://doi.org/10.7176/JLPG/132-05>> accessed on 31 March 2025; Naimul Razzaque, 'Road Accident in Bangladesh: Issues & Legal Study' (2022) 5 *Journal of Social and Political Sciences* 18, 18 <<https://doi.org/10.31014/aior.1991.05.03.359>> accessed on 16 March 2025.

¹⁴ Stephen D Sugarman, Mauro Bussani and Anthony J Sebok, 'Tort Damages for Non-Economic Losses (in Cases of Physical Injury to the Person)' *Comparative Tort Law: Research Handbooks in Comparative Law* (Forthcoming, Edward Elgar Publishing 2013) 201 <https://www.law.berkeley.edu/files/journals/Sugarman_Non_economic_loss_ReformattedFinal.pdf> accessed on 3 August 2025.

¹⁵ Lawrentzia Beatrice Denisa Vasilescu, 'Compensation Granted to Victims in the Case of Traffic Accidents' (2024) 16(65) *Bulletin of the Transilvania University of Braşov* 223, 224 <<https://doi.org/10.31926/but.ssl.2023.16.65.3.27>> accessed on 3 August 2025; Weir Bowen, 'Understanding the Types of Damages in Personal Injury and Medical Malpractice Claims' (*Weir Bowen*, 5 March 2025) <<https://weirbowen.com/news/understanding-the-types-of-damages-in-personal-injury-and-medical-malpractice-claims/>> accessed on 3 August 2025, under 'The Two Main Types of Damages'; Romaan Dulloo, 'The Differences Between Pecuniary and Non-Pecuniary Loss' (*Lawpath*, 23 May 2024) <<https://lawpath.com.au/blog/the-differences-between-pecuniary-and-non-pecuniary-loss>> accessed on 3 August 2025, under 'What are pecuniary losses?'

¹⁶ Vasilescu (n 15) 224, 228, 229; Sugarman, Bussani and Sebok (n 14) 202; Dulloo (n 15), under 'What are non-pecuniary losses?'; Denver Trial Lawyers, 'Pecuniary vs. Non-Pecuniary Losses: What's the Difference?' (*Denver Trial Lawyers*, 19 May 2020) <<https://www.denvertrialattorneys.com/blog/2020/may/pecuniary-vs-non-pecuniary-losses-what-s-the-dif/>> accessed on 3 August 2025, under 'What Are Non-Pecuniary Losses?'; Steven, 'The Difference Between Pecuniary and Non-Pecuniary Damages' (*Lerners Lawyers*, 13 January 2025) <<https://law123.ca/blog/difference-between-pecuniary-and-non-pecuniary-damages/>> accessed on 3 August 2025, under '2. What Are Non-Pecuniary Damages?'; Weir Bowen (n 15), under 'The Two

4. Research Question

Do the FAA and the RTA offer a just and adequate compensation mechanism for the RAVs?

5. Research Methodology

The study adopts a doctrinal legal research approach, grounding the analysis in the FAA, the RTA, and the Constitution of Bangladesh. Primary laws are supplemented by case laws illustrating judicial interpretation, along with textbooks, encyclopedias and dictionaries, journal articles, reports, conference papers, theses, websites, blog posts, and newspapers as secondary sources.

6. Normative Theoretical Framework

This study evaluates Bangladesh's compensation regime against a normative matrix comprising Corrective Justice (CoJ) (restoring the victim's pre-injury position)¹⁷ and Restorative Justice (RJ) (addressing holistic needs beyond mere punishment)¹⁸ through the Compensatory Justice (CJ) (monetary reparation as one of the core restorative outcomes).¹⁹ It further applies Natural Law (compensation as a moral right)²⁰ versus Positive Law (compensation as a statutory command)²¹ to assess the gap between moral entitlement and legal reality. Finally, the Theories of Rights

Main Types of Damages'; Rachele Mitri, 'Pecuniary and Non-Pecuniary Damages in Long-Term Disability Claims' (*Grillo Law Personal Injury Lawyers*, 18 September 2018) <<https://grillo.ca/pecuniary-and-non-pecuniary-damages-in-long-term-disability-claims/>> accessed on 3 August 2025, under 'Non-Pecuniary Damages' and 'Non-Pecuniary Losses'.

¹⁷ Richard W Wright, 'Right, Justice, and Tort Law' in David G Owen (ed), *The Philosophical Foundations of Tort Law* (1st edn, Oxford University Press 1997) 159 <<https://doi.org/10.1093/acprof:oso/9780198265795.003.0008>> accessed on 3 August 2025; Richard A Posner, 'The Coherence of Compensation-Deterrence Theory in Tort Law' (2012) 61 *DePaul Law Review* 383, 283, 289 <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2293124> accessed on 3 August 2025.

¹⁸ Adebobola Omowon and Alaba Samson Kunlere, 'Restorative Justice Practices: Bridging the Gap between Offenders and Victims Effectively' (2024) 24 *World Journal of Advanced Research and Reviews* 2768, 2770 <<https://doi.org/10.30574/wjarr.2024.24.3.3978>> accessed on 28 March 2025.

¹⁹ Pablo De Greiff, 'Justice and Reparations' in Pablo De Greiff (ed), *The Handbook of Reparations* (Oxford University Press 2006) 455 <<https://doi.org/10.1093/0199291926.003.0013>> accessed on 6 August 2025; Margaret Urban Walker, 'Restorative Justice and Reparations' (2006) 37 *Journal of Social Philosophy* 377, 379 <<https://doi.org/10.1111/j.1467-9833.2006.00343.x>> accessed on 1 September 2025.

²⁰ Enno A Winkler, 'Are Universal Ethics Necessary? And Possible? A Systematic Theory of Universal Ethics and a Code for Global Moral Education' (2022) 2 *SN Social Sciences* 1, 1 <<https://doi.org/10.1007/s43545-022-00350-7>> accessed on 4 August 2025.

²¹ John Austine, 'The Province of Jurisprudence Determined (John Austin)' (*V lectures of John Austine Digitalized Version*, 1932) <<https://nlprac.org/node/255.html>> accessed on 5 August 2025; Jules L Coleman and Brian Leiter, 'Legal Positivism' in Dennis M Patterson (ed), *A Companion to Philosophy of Law and Legal Theory* (2nd ed, Wiley-Blackwell 2010) 231 <<http://hdl.ethernet.edu.et/bitstream/123456789/47360/1/1.Dennis%20Patterson.pdf#page=244>> accessed on 5 August 2025.

(Interest Theory- (IT): safeguard of the interest of right holders²² and Choice Theory (CT): granting victims agency to pursue, accept, or waive claims²³) and Rule of Law (RoL) (accountability of state authorities, and the independence of the judiciary²⁴) principle, these are used to test whether the current procedural mechanisms, specifically under the RTA safeguard victim welfare and ensure institutional accountability.

7. Compensation Mechanism for the Victims of Road Accidents

7.1. Compensation Framework

In the legal arena, the compensation for RTAs can be claimed directly through the FAA and the RTA.²⁵ Focusing on a colonial statute²⁶ despite having a modern dedicated statute (RTA) to deal with road safety issues²⁷ is not an absurd initiative, as only the FAA allows the reparation claim through the judiciary.²⁸

7.1.1. Strongholds of the FAA

7.1.1.1. Overall Legal Philosophy

FAA, an enacted statute, provides a civil cause of action for wrongful death in South Asia by providing dependents' family (including executor, administrator, or representative) with a cause of action for wrongful death.²⁹ It reflects the CoJ; a wrongdoer is obliged to rectify the harm caused.³⁰ In theory, this aligns with CJ, ensuring that victims' families receive restitution,³¹ with the principle of RJ to restore the damage through compensation.³² This civil court jurisdiction establishes a

²² Alon Harel, 'Theories of Rights' in Martin P. Golding and William A. Edmundson (eds), *The Blackwell Guide to the Philosophy of Law and Legal Theory* (1st edn, Blackwell Publishing (Wiley) 2005) 195 <<https://doi.org/10.1002/9780470690116>> accessed on 5 August 2025.

²³ *ibid* 194.

²⁴ Jefferson B Fordharn and Theodore H Jr. Husted, 'John Marshall and the Rule of Law' (1955) 104 *Penn Law Review* 57, 58 <https://scholarship.law.upenn.edu/penn_law_review/vol104/iss1/6/> accessed on 4 August 2025.

²⁵ Bangladeshi FAA 1855, pmb1; RTA, pmb1.

²⁶ *PB Kader v Thatchamma* (1969) 1970 AIR 241 (Kerala High Court) [3] <<https://indiankanoon.org/doc/736384/>> accessed on 10 October 2025.

²⁷ RTA, pmb1.

²⁸ *ibid* 61(4), 52; Bangladeshi FAA 1855 ss 1, 2, pmb1.

²⁹ Bangladeshi FAA 1855 ss 1, pmb1; Taqbir Huda, 'Fundamental Rights in Search of Constitutional Remedies: The Emergence of Public Law Compensation in Bangladesh' (2021) 21 *Australian Journal of Asian Law* 27, 40 n 57 <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3876797> accessed on 28 July 2025.

³⁰ Richard A Posner, 'Instrumental and Noninstrumental Theories of Tort Law' (2013) 88 *Indiana Law Journal* 469, 469, 470 <<https://www.repository.law.indiana.edu/ilj/vol88/iss2/3/>> accessed on 1 March 2026.

³¹ Greiff (n 19) 455; Walker (n 19) 379.

³² Daniel W Van Ness, 'Restorative Justice: International Trends' (Wellington, New Zealand, 7 October 1998) 1 <<https://biblioteca.cejamerica.org/bitstream/handle/2015/3328/van-ness-int-trends.pdf>> accessed on 6 August 2025.

judicially enforceable right,³³ resonating with CT because it empowers victims' families to choose whether to pursue claims and negotiate remedies.³⁴ Thus, *just compensation* is a mandate of the act,³⁵ transforming the moral mandate of the NT³⁶ into a legal right,³⁷ with a statutory cause of action for wrongful death or harm,³⁸ as backed by the PT's compensation.³⁹

7.1.1.2. Definitions

The FAA includes *bodies politic and corporate*, by including them in *person*,⁴⁰ which includes both governmental corporations⁴¹ and non-governmental,⁴² ensuring the inclusion of abstract persons, as RTAs can be committed by anyone.⁴³ Besides that, the definition of *beneficiaries* includes *parents*, e.g., grandparents, along with mother and father, and *child* includes grandchildren and stepchildren, full biological children, establishing direct lineage.⁴⁴ This ensures clarity.

7.1.1.3. Compensation for the Victims' Families

In compensation systems, claims arise both in fatal and in non-fatal cases involving temporary or permanent disability⁴⁵ and mental trauma.⁴⁶ Therefore, under the moral

³³ Bangladeshi FAA 1855 s 1.

³⁴ Harel (n 22) 194.

³⁵ *Sardar Ishwar Singh v Himachal Puri* (1989) 1990 AIR 282 (Madhya Pradesh High Court) [3] <<https://indiankanoon.org/doc/390457>> accessed on 17 June 2026.

³⁶ Winkler (n 20) 1.

³⁷ Bangladeshi FAA 1855 ss 1, pmb1.

³⁸ *ibid* 1; *Sardar Ishwar Singh Case* (n 35) [3].

³⁹ Austine (n 21); Coleman and Leiter (n 21) 231.

⁴⁰ Bangladeshi FAA 1855 s 4.

⁴¹ Henry Campbell Black, 'Body Politic' 141 <<https://archive.org/details/BlacksLaw2dEd/page/141/mode/2up>> accessed on 7 October 2025.

⁴² *ibid* 272–3; 'Corporation', *West's Encyclopedia of American Law* (Web Version) <<https://www.encyclopedia.com/social-sciences-and-law/economics-business-and-labor/businesses-and-occupations/corporation>> accessed on 7 October 2025, under 'Types of Corporations'; The Lawyers & Jurists, 'Corporate Law Firm in Dhaka' (*The Lawyers & Jurists*) <<https://www.lawyersnjurists.com/article/corporate-law-firm-in-dhaka/>> accessed on 7 October 2025, under 'Compartmentalization of Corporation'.

⁴³ DJ Reilly, 'Murder, Inc.: The Criminal Liability of Corporations for Homicide' (1988) 18 *Seton Hall Law Review* 378, 378 <<https://scholarship.shu.edu/cgi/viewcontent.cgi?article=2779&context=shlr&utm>> accessed on 9 October 2025; *Md Ruhul v Bangladesh* [2019] HCD Suo Moto Rule No 4 of 2018, BDLEX/229/2019 [42-43,45].

⁴⁴ Bangladeshi FAA 1855 s 4.

⁴⁵ Mahla Babaie and others, 'Risk of Permanent Medical Impairment After Road Traffic Crashes: A Systematic Review' (2023) 26 *Chinese Journal of Traumatology* 267, 268, 273 <<https://doi.org/10.1016/j.cjtee.2022.11.002>> accessed on 8 October 2025; Jelena Kovacevic and others, 'Predictors of Mental Health Outcomes in Road Traffic Accident Survivors' (2020) 9 *Journal of Clinical Medicine* 309, 1–2 <<https://doi.org/10.3390/jcm9020309>> accessed on 8 October 2025.

⁴⁶ M Papadakaki and others, 'Mental Health Impairment and Recovery After a Road Traffic Injury: Where Do We Stand in Europe?' (2024) 12 *Frontiers in Public Health* 1418920, 1–2 <<https://doi.org/10.3389/fpubh.2024.1418920>> accessed on 8 October 2025; Kovacevic and others (n 45) 1–2; Babaie and others (n 45) 268, 273.

mandate, this act recognizes compensation.⁴⁷ The victims' families must be compensated by the accused in lieu of claims,⁴⁸ ensuring the liability of the perpetrator.⁴⁹

7.1.1.4. Scope of Damages

Only pecuniary damages are entertained here.⁵⁰ Thus, the pecuniary losses include medical costs, wage loss, earning capacity, upcoming care expenditure, superannuation, and property loss.⁵¹ There is no fixed mathematical guideline to calculate the compensation, allowing judicial activism, just like the *Sardar Ishwar Singh*⁵² and *Western Electricity Supply Company*,⁵³ cases and *Fizabai*⁵⁴ case further includes other heads for consideration, including non-pecuniary heads, indicating the court's tendency to recognize them.

Therefore, the Act aims to provide appropriate case-based calculated compensation, ensuring access to court, and upholding the RoL.

7.1.2. FAA v RTA: A Comparative Analysis

While the FAA laid the foundational structure, its limitations have become visible in modern statutory developments, particularly with the RTA. A question may arise as to why, with RTA, because it is the sole dedicated substantive statute to address road safety and accident-related issues,⁵⁵ and also acts as supplementary legislation alongside other legislation,⁵⁶ while the FAA can be employed in cases involving road accident damages,⁵⁷ which has already been discovered. To enhance this comprehension, a detailed discussion has been presented below.

7.1.2.1. Narrowed Inclusion of Claimants

The Indian FAA, which remains enacted in Bangladesh,⁵⁸ originated from Britain's 1846 law and offers limited claim opportunities, particularly regarding claimants,⁵⁹ as only the *wife, husband, parent, and child* of the deceased, excluding

⁴⁷ Bangladeshi FAA 1855, pmb1.

⁴⁸ *ibid* 1.

⁴⁹ *ibid* 2.

⁵⁰ *ibid*; *CK Subramania Iyer v T Kunhikuttan Nair* 1970 AIR (Supreme Court of India) 4–5, 8 (page references are to the PDF document) <<https://indiankanoon.org/doc/470583>> accessed on June 2026.

⁵¹ Vasilescu (n 15) 224; Weir Bowen (n 15); Dulloo (n 15); Steven (n 16); Denver Trial Lawyers (n 16); Mitri (n 16).

⁵² *Sardar Ishwar Singh Case* (n 35) [3].

⁵³ *Western Electricity Supply Company of Orissa Ltd v Smt Kunti Sa* 2005 AIR 188 (Orissa High Court) [7-8] <<https://indiankanoon.org/doc/1372783>> accessed on 18 June 2026.

⁵⁴ *Fizabai v Nemichand* [1992] Madhya Pradesh High Court Miscellaneous Application No. 58 of 1985, 1993 AIR 79, [20-23, 25] <<https://indiankanoon.org/doc/1508224>> accessed on 18 June 2026.

⁵⁵ RTA, pmb1.

⁵⁶ *ibid* 3.

⁵⁷ Bangladeshi FAA 1855 ss 1, 2.

⁵⁸ Bangladeshi FAA 1855; Fatal Accident Act (Indian FAA) 1855 (Act No 13 of 1855).

⁵⁹ *P.B. Kader Case* (n 26) [3].

siblings, partners, adoptive parents, caregivers, or others who may be genuinely dependent on the deceased.⁶⁰ Comprehending this limitation, Britain included *brother, sister, uncle, and aunt* in 1959.⁶¹ Bangladesh is yet to adopt.

In the FAA, the term *parent* also includes *grandparents* and *child* to also include grand and step-children, but it still limits recovery to direct lineage, neglecting the reality of extended and joint families, like siblings, partners, and social caregivers, many more,⁶² and the RTA took a broader approach than the FAA, but was confined to the heirs.⁶³ Both approaches ignore South Asia's complex familial dependencies,⁶⁴ where Bangladesh has been a cornerstone of extended families.⁶⁵ Comparative reforms, such as in the UK in 1976, require dependents living together for a minimum of two years before the accident,⁶⁶ which is identical to Australia, as it includes *de facto spouses* and *other dependents*.⁶⁷ Thus, Bangladesh's approach is narrower, undermining the RJ, as the reparation should extend to all sufferers.

7.1.2.2. Exclusion of Non-Pecuniary Damages

The FAA generally limits compensation to pecuniary injuries, ignoring the psychological harm that accompanies losses.⁶⁸ Such is a loophole that curtails the IT, as IT regards the safeguard of holistic human welfare (material and immaterial),⁶⁹ which are intrinsic to the objective of legal redress.⁷⁰ By limiting compensation to pecuniary damages, it fails to address the holistic well-being, curtailing the moral completeness of justice.

⁶⁰ *ibid.*

⁶¹ *ibid.*

⁶² Bangladeshi FAA 1855 ss 1, 4.

⁶³ RTA ss 52, 53(1).

⁶⁴ Sarah Fox, Sarah Galvani and Surinder Guru, 'South Asian Women's Experiences of Alcohol Use and the Role of the Family' [2024] *Drugs: Education, Prevention and Policy* 1, 2 <<https://doi.org/10.1080/09687637.2024.2432339>> accessed on 16 October 2025.

⁶⁵ Md Salah Uddin, 'The Decline of Extended Family Culture in Bangladesh: Historical, Social, Economic, and Islamic Insights' (2025) 8 *International Journal of Social Science Research and Review* 89, 89 <<https://doi.org/10.47814/ijssrr.v8i10.2942>> accessed on 10 October 2025.

⁶⁶ Fatal Accidents Act (UK FAA 1976) 1976 s 1(3)(b); Shirish Aggarwal, 'Framework, Goal and Orientation of Statutory Compensation Regimes in India' [2018] *Bharati Law Review* 268, 272–3 <<https://docs.manupatra.in/newslines/articles/Upload/7D9E6A5E-B29B-4F85-ACE2284463693DCA.pdf>> accessed on 10 October 2025.

⁶⁷ Aggarwal (n 66) 273 n 28.

⁶⁸ Indian courts have adopted an inconsistent approach to non-pecuniary losses, with some recognized and others rejected, whereas Bangladeshi Courts largely remains confined with the pecuniary losses. See *Fizabai Case* (n 54) [13, 16-23]; *Iyer Case* (n 50) 4–5, 8; *Rattan Devi Jamwal v Union of India* [1977] Jammu and Kashmir High Court Civil Suit No 61 of 1970 [11-12] <www.courtktuchehry.com/judgements/995547/rattan-devi-jamwal-and-another-appellant-hash-union-of-india-uo-i-and-another-responent> accessed on 18 June 2025. Bangladeshi FAA 1855 s 2; *Children's Charity Bangladesh Foundation (CCB Foundation) V Bangladesh* (2018) 10 SOCB 117 (HCD) 131 [73] <https://www.supremecourt.gov.bd/resources/bulletin/10_SCOB_2018.pdf> accessed on 13 October 2025.

⁶⁹ Harel (n 22) 195.

⁷⁰ *ibid* 194, 203.

Although historically the FAA was interpreted narrowly, focusing on tangible loss of dependency, the phrase “*loss resulting from such death*”⁷¹ posits interpretive flexibility. In the *Catherine Masud* case, the Court recognized “*loss of love and affection*” as a compensable harm and awarded BDT two crores for such loss; however, the claim was under the Motor Vehicles Ordinance, 1983 (MVO).⁷² This illustrates that Bangladeshi jurisprudence has already shown a latent openness to non-pecuniary compensation, suggesting that the FAA's language can be purposively expanded to encompass such.

The losses endured encompass material deprivation and intangible harms, emotional anguish, psychological trauma, and disruption of relational stability.⁷³ Under a purposive and constitutional interpretive approach, the term *benefit* in section 1 of the FAA, “*every such action or suit shall be for the benefit of the wife, husband, parent, and child,*”⁷⁴ can and should be construed broadly. The teleological reading of *benefit* logically extends to non-pecuniary dimensions, because the complete welfare of dependents includes emotional restoration and economic benefits.⁷⁵ This harmonizes with the constitutional rights to life,⁷⁶ human dignity,⁷⁷ and equality,⁷⁸ transforming compensation into an instrument of RJ,⁷⁹ which the IT supports as the purpose of rights is to secure and advance the interests of their holders; then exclusion of mental welfare renders the compensation incomplete. The NT further reinforces this, as justice demands moral adequacy as well.⁸⁰ However, death defies quantification; it is a form of existential deprivation that causes irreparable psychological pain.⁸¹ Thus,

⁷¹ Bangladeshi FAA 1855 s 1.

⁷² *Catherine Masud v Md Kashed Miah* (2017) 10 SCOB [2018] 30 (HCD) 69 [193] <https://www.supremecourt.gov.bd/resources/bulletin/10_SCOB_2018.pdf> accessed on 12 October 2025.

⁷³ *ibid*; Janno Lahe and Irene Kull, ‘Compensation of Non-Pecuniary Damage to Persons Close to the Deceased or to the Aggrieved Person’ (2016) 2 International Comparative Jurisprudence 1, 1–2 <<https://doi.org/10.1016/j.icj.2016.03.001>> accessed on 13 October 2025.

⁷⁴ Bangladeshi FAA 1855 s 1.

⁷⁵ Johanna Cresswell-Smith, Kristian Wahlbeck and Jorid Kalseth, ‘Life Conditions as Mediators of Welfare State Effect on Mental Wellbeing among Oldest Old in Europe’ (2022) 19 International Journal of Environmental Research and Public Health 1, 1 <<https://doi.org/10.3390/ijerph19074363>> accessed on 14 October 2025.

⁷⁶ Constitution of the People’s Republic of Bangladesh 1972 art 32.

⁷⁷ *ibid* 11.

⁷⁸ *ibid* 27; *ibid* 31. This constitutionally mandates that the dependents of the deceased are entitled to the protection of the law, under the FAA, the Constitution, or any other.

⁷⁹ *CCB Foundation Case* (n 68) 138 [108, 110–1] <https://www.supremecourt.gov.bd/resources/bulletin/10_SCOB_2018.pdf> accessed on 31 August 2025; *Bangladesh Beverage Industries v Rawshan Aktar* [2016] AD Civil Petition for Leave to Appeal No. 1676 of 2010, LEX/BDAD/0174/2016 [34–35].

⁸⁰ Robert P George, ‘Natural Law’ (2008) 31 Harvard Journal of Law and Public Policy 171, 172, 188 <<https://www.academia.edu/34524899>> accessed on 4 August 2025.

⁸¹ Lahe and Kull (n 73) 5; Yun- chien Chang and others, ‘Pain and Suffering Damages in Wrongful Death Cases: An Empirical Study’ (2015) 12 Journal of Empirical Legal Studies 128, 128–9 <<https://scholarship.law.cornell.edu/facpub/1691/>> accessed on 14 October 2025.

no compensation can truly repair such,⁸² but a *palliative monetary remedy* may serve as a symbolic recognition.⁸³

Moreover, a functional reinterpretation could incorporate the consequential economic impacts of psychological distress. Mental suffering often diminishes productivity, focus, and employability, thereby generating secondary pecuniary loss. Just like the butterfly effect, where a small modification has a drastic influence, validating the argument that non-pecuniary harm may produce pecuniary consequences.⁸⁴ To deny non-pecuniary compensation is to overlook the realities that underpin unjust reparation.⁸⁵ Comparatively, developed jurisdictions, France⁸⁶ and the USA, have long embraced non-pecuniary compensation as essential to achieving full redress, which they once denied.⁸⁷ These reforms signify a shift from economic restitution toward restorative completeness, a transformation that Bangladesh has yet to institutionalize through FAA. However, through the MVO, this was once judicially acknowledged⁸⁸ till the substitution by the RTA.⁸⁹ Thus, the courts may adopt a purposive interpretive stance with constitutional morality and human rights, allowing the FAA's *benefit* word to encompass non-pecuniary loss, aligning the CoJ, IT, and (RJ).

7.1.2.3. Exclusion of Injuries

In the FAA, only the dependents of deceased victims are entitled to claim compensation.⁹⁰ However, this statutory framework excludes victims who suffer only

⁸² Siewert D Lindenbergh and Peter PM van Kippersluis, 'Non-Pecuniary Losses' in Michael Faure and Gerrit De Geest (eds), *Tort Law and Economics*, vol 1 (2nd edn, Edward Elgar 2009) 215 <<https://ndl.ethernet.edu.et/bitstream/123456789/60168/1/29.pdf>> accessed on 14 October 2025.

⁸³ *Catherine Masud Case* (n 72) 138 [104]; *Rudul Shah v Bihar* AIR 1983 1086 (Supreme Court of India) 2, 8 (page references are to the PDF document) <<https://indiankanoon.org/doc/810491>> accessed on 18 June 2026.

⁸⁴ Robert C Bishop, 'What Could Be Worse than the Butterfly Effect?' (2008) 38 *Canadian Journal of Philosophy* 519, 520 <<https://www.researchgate.net/publication/236725411>> accessed on 14 October 2025; Robert Bishop, 'Chaos' in Edward N Zalta and Uri Nodelman (eds), *The Stanford Encyclopedia of Philosophy* (Winter 2024: Web Version, Metaphysics Research Lab, Stanford University 2024) <<https://plato.stanford.edu/archives/win2024/entries/chaos/>> accessed on 14 October 2025.

⁸⁵ Frank S Giaoui, 'Damage to Reputation: A Comparative Analysis of Pecuniary Compensation for Non-Pecuniary Harm' (2023) 46 *Loyola of Los Angeles International and Comparative Law Review* 1, 6 <<https://digitalcommons.lmu.edu/ilr/vol46/iss1/1/>> accessed on 14 October 2025.

⁸⁶ Andrea Renda and Lorna Schrefler, 'Full Compensation of Victims of Cross-Border Road Traffic Accidents in the EU: The Economic Impact of Selected Options' 16 <<https://www.europarl.europa.eu/cmsdata/183955/20081201ATT43378EN.pdf>> accessed on 24 July 2025.

⁸⁷ Giaoui (n 85) 4–8; Chang and others (n 81) 129.

⁸⁸ *Catherine Masud Case* (n 72) 69 [193].

⁸⁹ SM Solaiman, 'Corporate Vehicular Manslaughter Provisions in the Bangladesh Road Transport Act 2018: A Textual Comparison with Their Equivalents in Australia' (2021) 32 *Criminal Law Forum* 125, 125, 128 <<https://link.springer.com/article/10.1007/s10609-020-09404-y>> accessed on 20 March 2025.

⁹⁰ *Bangladeshi FAA 1855* s 1.

injuries, thereby preventing them from seeking reparations.⁹¹ This constraint causes significant complications. Primarily, the ethical mandate has been undercut, as it is unsuccessful to hold the inflector responsible for harm caused to a living victim.⁹² Thus, this denial of reparation to living injured victims not only contravenes the tenet of CoJ, which advocates for the rectification of harm executed by any wrongful act, but also ignores RJ philosophy, which attempts to redress the injury and rehabilitate the victims in the social structure.⁹³ Thus, this denial directly violates the legal principle of access to justice, which posits that every individual who suffers harm has the right to seek redress, irrespective of their survival.⁹⁴

The limitations of the FAA have been illustrated in the case of the *Shyamlal* case, where the petitioner, having suffered grievous injuries, sought compensation under the FAA.⁹⁵ However, the respondent denied the claim because the FAA (specifically Section 1A, which mirrors Section 1 of the Bangladeshi FAA) applies only in cases where the victim has died. As the petitioner survived the accident, the court held that the claim was invalid.⁹⁶ That is, the petition has been dismissed, reaffirming the exclusion of the injured victim's plaint ability in the FAA,⁹⁷ underscored by the maxim "*Actio personalis moritur cum persona*," which means a personal action is exhausted with the demise of the person.⁹⁸ Hence, if an individual suffers harm but does not die, any subsequent claim based on personal injury or tort becomes void upon the person's death.⁹⁹ In this situation, the FAA facilitates the representatives of

⁹¹ Indian FAA 1855, pmb1; Bangladeshi FAA 1855, pmb1; *Shyamlal v Additional District Judge* [2013] Rajasthan High Court S.B Civil Writ Petition No. 13911/2013 <<https://www.casemine.com/judgement/in/5ac5e3e04a93261a672c4bc1>> accessed on 15 October 2025.

⁹² Posner (n 30) 469, 470.

⁹³ William R Wood and Masahiro Suzuki, 'Getting to Accountability in Restorative Justice' (2024) 19 *Victims & Offenders* 1400, 1400–1 <<https://doi.org/10.1080/15564886.2024.2333304>> accessed on 15 October 2025; Gregory C Keating, Donal Nolan and Andrew Robertson, 'Is the Role of Tort to Repair Wrongful Losses?' *Rights and Private Law* (2012) 367 <<https://ssrn.com/abstract=2176322>> accessed on 15 October 2025.

⁹⁴ OECD, 'Recommendation of the Council on OECD Legal Instruments Access to Justice and People-Centred Justice Systems' 6–8 <<https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0498>> accessed on 31 March 2025, Recommendation II; Vanshika Shukla, 'Pathways to Justice: Expanding Access for Everyone' (2023) 08 *Asian Law & Public Policy Review* 87, 89–90 <<https://doi.org/10.55662/ALPPR.2023.803>> accessed on 15 October 2025.

⁹⁵ *Shyamlal Case* (n 91).

⁹⁶ *ibid.*

⁹⁷ *ibid.*

⁹⁸ Jonathan Law (ed), '*Actio Personalis Moritur Cum Persona*' <<https://doi.org/10.1093/acref/9780199664924.001.0001>> accessed on 15 October 2025; Aaron X Fellmeth and Maurice Horwitz, '*Actio Personalis Moritur Cum Persona*' *Guide to Latin in International Law* (1 (Web Version), Oxford University Press 2011) <<https://www.oxfordreference.com/display/10.1093/acref/9780195369380.001.0001/acref-9780195369380-e-71>> accessed on 15 October 2025; Peter Handford, 'Lord Campbell and the Fatal Accidents Act' (2013) *Research Paper No 2013-26 1* <https://api.research-repository.uwa.edu.au/ws/portalfiles/portal/9184014/SSRNLordCampbell_1_.pdf> accessed on 15 October 2025.

⁹⁹ Law (n 98); Fellmeth and Horwitz (n 98); Handford (n 98) 1.

the departed to seek reparation, but does not facilitate any injuries suffered.¹⁰⁰ An identical tenet can be noticed in the *Rattan Devi* case, where an army truck, driven carelessly by the defendant, caused the demise of Raghudev Singh and the *physical harm to Manjit Singh*, who was riding with the departed.¹⁰¹ Here, the court awarded compensation to Raghudev Singh's parents for the loss of financial support, aid, and future gain by *ignoring the injury* to Manjit Singh.¹⁰²

This gap in the FAA has, however, been addressed by the RTA, which allows injured victims to bring claims independently of the deceased's death.¹⁰³ Yet, the RTA provides compensation from an aid fund (FAF) rather than holding the perpetrator liable directly.¹⁰⁴ This distinction is significant, as it diverts responsibility away from the tort-feasor and places it on broader societal funds, including governmental grants, contributions from vehicle owners, grants from vehicle associations, fines for violations of the RTA, and other lawful sources.¹⁰⁵ In contrast, the FAA relies on the principle of holding the responsible party accountable, thereby enforcing the direct responsibility of the perpetrator.¹⁰⁶

Thus, the exclusion of injury claims under the FAA perpetuates an injustice to victims who survive accidents but suffer substantial harm. Although the RTA seeks to address this gap by introducing another legal issue, namely, the distribution of liability to society, the FAA remains restrictive in its application.

7.1.2.4. Time Constraint

In the Act (FAA), the claims are subject to a one-year limitation period prescribed by the Limitation Act, 1908 (LA).¹⁰⁷ This restrictive time frame allowed dependents minimal space to organize documents, secure representation, and initiate proceedings.¹⁰⁸ The updated rules, Road Transport Rules, 2022 (RTR), have been mandated by the RTA,¹⁰⁹ signifies an intense regression, as the claiming time window has been drastically reduced to merely thirty days from the date of the accident, which is not even 31 days.¹¹⁰ This period, arbitrarily shorter than many calendar months (like January, April, July, and October, among others),¹¹¹ is

¹⁰⁰ Bangladeshi FAA 1855 ss 1, 2; Richard Kidner, 'A History of the Fatal Accident Acts' (2020) 50 Northern Ireland Legal Quarterly 318, 318 <<https://doi.org/10.53386/nilq.v50i3.591>> accessed on 15 October 2025; Handford (n 98) 1.

¹⁰¹ *Rattan Dev Case* (n 68) [2, 3, 7].

¹⁰² *ibid* [2, 13, 18].

¹⁰³ RTA s 52.

¹⁰⁴ *ibid* 52, 53(1).

¹⁰⁵ *ibid* 57(1).

¹⁰⁶ Bangladeshi FAA 1855 s 1.

¹⁰⁷ Limitation Act (LA) 1908 (Act No IX OF 1908) s 3, sch art 21.

¹⁰⁸ *ibid*.

¹⁰⁹ RTA s 122.

¹¹⁰ RTR 2022 r 150(1).

¹¹¹ Alan Longstaff, 'Calendars from Around the World' <<https://multifaiths.com/pdf/calendarhistory.pdf>> accessed on 17 October 2025, table 3; Muhabbatkhan Agzamova, 'The Evolution of Time: A Journey Through the History of Calendars'

drastically narrower than the six-month period under the repealed MVO,¹¹² and obviously way more restrictive than the FAA.¹¹³ Legislators have created a compressed timeline that dismantles substantive access to justice. The *thirty-day rule* effectively legislates the poor out of the system, transforming procedural law into a discretionary hurdle rather than a guaranteed right.

The theoretical *safety valve* for such rigidity (in case of FAA) lies in *section 5*, permitting courts to condone delay for “*sufficient cause*,”¹¹⁴ which was also recognized in the repealed MVO, as upon a reasonable ground if proven before the claim tribunal, the claim can be allowed,¹¹⁵ which is not the case with the modern RTA.¹¹⁶ Yet this mechanism (FAA), let alone the RTA, functions less as a right than as a jurisprudential fiction. It inaugurates a discretionary, resource-intensive preliminary battle that places the evidentiary burden entirely upon the bereaved claimant.¹¹⁷ Justice becomes contingent upon a judge’s subjective interpretation rather than the merits of the claim.¹¹⁸ This transforms procedural law into a lottery of empathy, demanding that grief itself be converted into a legal argument.¹¹⁹ For instance, a recently widowed spouse is consumed by mournful emotions and the duties of ensuring her children’s well-being, let alone the legal hurdles.¹²⁰ What is framed as flexibility becomes, in practice, a second trial, a theatre where trauma must be narrated, measured, and validated by institutional skepticism.¹²¹ This onerous burden to legally prove one’s grief is a cruel and often insurmountable hurdle.¹²²

The litigation pursued by American-born Catherine Masud¹²³ following the death of her husband, the filmmaker Tareq Masud, in 2011,¹²⁴ exposes this structural cruelty in detail. Her eventual success required five years of sustained effort¹²⁵ (though the

(2024) 1 International Journal of Education, Humanities and Social Sciences 3, 4 <<https://doi.org/https://doi.org/10.5281/zenodo.11287838>> accessed on 17 October 2025; ‘A Proposed World Calendar’ (1942) 150 Nature 370, (abstract) <<https://doi.org/https://doi.org/10.1038/150370c0>> accessed on 17 October 2025.

¹¹² Motor Vehicles Ordinance (MVO) 1983 (Ordinance No LV of 1983) s 128(3).

¹¹³ LA s 3, sch art 21.

¹¹⁴ *ibid* 5.

¹¹⁵ MVO s 128(3).

¹¹⁶ RTR 2022 r 150(1).

¹¹⁷ *Catherine Masud Case* (n 72) 49 [94], 50 [94-96], 51 [97-110].

¹¹⁸ *ibid* 51 [98-99].

¹¹⁹ *ibid* 51 [98(e)-(f)].

¹²⁰ *ibid* 49 [94], 50 [95-96], 51 [97-100].

¹²¹ *ibid* 51 [98 (e)-(f)].

¹²² *ibid* 51 [98(e)].

¹²³ Catherine Masud, ‘Home’ (*Catherine Masud*, 2019) <<https://www.catherinemasud.com>> accessed on 17 October 2025.

¹²⁴ *Catherine Masud Case* (n 72) 33 [7].

¹²⁵ *ibid* 49 [94]. The claim petition was filed on 13 February 2012, *ibid* 30. Judgment awarded on 3 December 2017, *ibid* 34 [12–13]. A correction, like an increment in the claiming amount, was also made in the suit, which can also add to the delay of the judgement, but not this long, especially in case of compensation claim.

claim was amended once,¹²⁶ transferred from the district judge court to the High Court Division,¹²⁷ and also added new parties¹²⁸) despite having eminent legal representation,¹²⁹ Dr Kamal Hossain,¹³⁰ and substantial financial resources.¹³¹ This illustrates that even the privileged encounter systematic procrastination. Not everyone is as fortunate as the Masud family, who have financial capability¹³² and fame.¹³³ If an educated, resourceful claimant with elite representation required half a decade to prevail, what prospect exists for the widow of a rickshaw driver or the parents of a garment worker? The case stands as the exception that proves the rule: access to remedy is mediated not by legal merit but by socio-economic class, and it was filed under the best legislation Bangladesh had, particularly in comparison with both the FAA and RTA.

Procedural law requires a rational, organized, and informed claimant; reality offers the opposite,¹³⁴ due to a lack of knowledge (not availability of claiming form in hospitals, thanas, and BRTA office), delayed settlement, and a complex application process under the FAF scheme of the RTA.¹³⁵ The latest law, the RTA's opportunity, is beyond the knowledge of the financially challenged section,¹³⁶ let alone the colonial relic, the FAA.¹³⁷ The aftermath of a fatal accident collapses a family's cognitive and emotional stability.¹³⁸ Expecting a mourning family member to comprehend limitation mandates, assemble documents, and initiate proceedings within thirty days under the RTA,¹³⁹ and within a year under the FAA¹⁴⁰ is both juridically absurd and ethically indefensible, as scientific studies claim that the grief

¹²⁶ *Catherine Masud Case* (n 72) 34 [12–13].

¹²⁷ *ibid* 32 [4].

¹²⁸ *ibid* 32 [5].

¹²⁹ Kamal Hossain, 'The Making of the Bangladesh Constitution' in Habibul Khondker, Olav Muurlink and Asif Bin Ali (eds), *The Emergence of Bangladesh: Interdisciplinary Perspectives* (1st edn, Palgrave Macmillan 2022) (abstract) <https://doi.org/10.1007/978-981-16-5521-0_5> accessed on 17 October 2025.

¹³⁰ *Catherine Masud Case* (n 72) 30; Taqbir Huda, 'HC's Compensation to Tareque Masud's Family: Fair or Unfair?' *Prothom Alo English* (Dhaka, 14 May 2018) <<https://en.prothomalo.com/opinion/HC's-compensation-to-Tareque-Masud's-family-Fair>> accessed on 17 October 2025.

¹³¹ *Catherine Masud Case* (n 72) 38 [40].

¹³² *ibid*.

¹³³ *ibid* 33 [7]; Masud (n 123).

¹³⁴ Russell B Korobkin and Thomas S Ulen, 'Law and Behavioral Science: Removing the Rationality Assumption from Law and Economics' (2000) 88 *California Law Review* 1051, 1053, 1055, 1059 <<https://doi.org/10.2139/ssrn.229937>> accessed on 18 October 2025.

¹³⁵ Anowar Hossain, 'Poor People Left Out of Road Accident Compensation' *Prothom Alo English* (Dhaka, 6 May 2024) <<https://en.prothomalo.com/bangladesh/accident/i17ct6bkqx>> accessed on 16 August 2025.

¹³⁶ *ibid*.

¹³⁷ *P.B. Kader Case* (n 26) [3].

¹³⁸ Saha and others (n 10) 463; Razzaque, Runa and Hossain (n 13) 5; Razzaque and Raffat (n 13) 52; Razzaque (n 13) 18.

¹³⁹ RTR 2022 r 150(1).

¹⁴⁰ LA s 3, sch art 21.

lasts a couple of years with a never-ending sorrow,¹⁴¹ to be precise two years is the general time frame required for major emotional resolution¹⁴² and not to mention that the victims require one to three years to recover.¹⁴³ These requirements are nothing but a Utopia (imaginary perfection) for a mourner.¹⁴⁴ The cruelty is compounded by the evidentiary requirement that the claimant document her psychological trauma as “*sufficient cause*” for delay.¹⁴⁵ The law (LA) thereby imposes a secondary burden on the judicialization of grief. To strengthen the evidentiary standards, the bereaved should reproduce private suffering in affidavits and medical certificates, transforming pain into paperwork. The justice system thus institutionalizes secondary traumatization as part of its procedural logic. It is because the FAA claims are civil in nature¹⁴⁶ that they must comply with the Code of Civil Procedure, 1908 (CPC).¹⁴⁷ Even though the FAA does not specify all such materials for filing a compensation claim, as it is not a procedural law like the CPC, it still recognizes the holistic spirit of the CPC in general language by seeking detailed particulars of the plaintiff,¹⁴⁸ which the CPC specifies.¹⁴⁹ Here, the whole plaintiff process is a multi-layered complex framework, because a plaintiff is expected to lay out the details of the plaintiff (for whom what is claimed) after the death of a dear one to claim compensation,¹⁵⁰ along with the CPC requiring the personal details of the parties, like contact information (name, dwelling place, description, mobile, national identification number, email address, if any; as much info possible), whether the parties are minor or mentally challenged, reason of the suit and time, the jurisdiction of the court, the relief pleaded (“*relief to be specifically stated*,”¹⁵¹ including whether “*several distinct claims or causes of action founded upon separate and distinct grounds*”¹⁵²), any setoffs, value

¹⁴¹ Liv R Øvstedal and others, ‘Young Road Fatalities: Consequences for Life Quality and the Role of Transport Authorities’ (2017) 75 OMEGA - Journal of Death and Dying 69, (abstract) <<https://doi.org/10.1177/0030222817698992>> accessed on 18 October 2025.

¹⁴² Meredith Palm, ‘22.4 Grief, Bereavement, & Mourning’ *Lifespan Human Development: A Topical Approach* (Web Version, Pressbooks 2023) <<https://openbooks.library.baylor.edu/lifespanhumandevlopment/chapter/grief-bereavement-mourning/>> accessed on 5 November 2025, under ‘Patterns of Grief’; Janelle Cox, ‘How Long Does Grief Last?’ (*Psych Central*, 17 May 2016) <<https://psychcentral.com/lib/grief-healing-and-the-one-to-two-year-myth>> accessed on 5 November 2025, under ‘Timeline of Grief’.

¹⁴³ Marija Trajchevska and Christian Martyn Jones, ‘Post-Traumatic Stress Disorder (PTSD) Resulting from Road Traffic Accidents (RTA): A Systematic Literature Review’ (2025) 22 International Journal of Environmental Research and Public Health 1, 1 <<https://doi.org/10.3390/ijerph22070985>> accessed on 18 October 2025.

¹⁴⁴ ‘Utopia’ <<https://dictionary.cambridge.org/dictionary/learner-english/utopia>> accessed on 11 November 2025.

¹⁴⁵ LA s 5.

¹⁴⁶ Bangladeshi FAA 1855 ss 1, pmbl.

¹⁴⁷ Code of Civil Procedure (CPC) 1908 (Act No V of 1908) ss 9, pmbl.

¹⁴⁸ Bangladeshi FAA 1855 s 3.

¹⁴⁹ CPC ord 7.

¹⁵⁰ Bangladeshi FAA 1855 s 3.

¹⁵¹ CPC ord 7, r 7.

¹⁵² *ibid* ord 7, r 8.

of the suit,¹⁵³ the compensatory amount sought,¹⁵⁴ show the defendant is accountable with the subject-matter,¹⁵⁵ as already discussed the reasoning of the exhausting limitation duration,¹⁵⁶ endorse list of documents with the plaintiff,¹⁵⁷ to produce all relied-upon documents when the plaintiff presents the case,¹⁵⁸ if not at plaintiff's possession then need to state whose possession the documents are,¹⁵⁹ and non-declared or produced documents in the plaint other than exceptional scenario is not admissible.¹⁶⁰ Therefore, plaintiffs generally must produce or mention supporting materials (like post-mortem reports, police investigations, and death certificates, many of which are delayed by bureaucratic inertia, corruption, and backlog). From the normative ground, this constraint is practically detached from human reality, i.e., the procedural law, privatizes the burden of state inefficiency.¹⁶¹ It means that the claimants bear the consequences of police backlog, administrative procrastination, and judicial stagnation.¹⁶² These failures are directly cast on sufferers who *missed the deadline*. This inversion of responsibility constitutes an ethical breach: the law treats bereavement and poverty as a lack of diligence.

To further substantiate the claim, a focus on another specific matter, the proper valuation of the suit, can be studied, as it illustrates that a rushed, grief-stricken calculation not only risks permanent undervaluation but also rejection of the plaint within the designated court, given time.¹⁶³ The very act of claiming a just amount is further obstructed by the requirement of sufficiently stamped documents within the fixed time set by the court,¹⁶⁴ creating a cruel paradox where the family must pay a substantial sum precisely when they are most financially destitute. Here, the time limit set by the court cannot exceed 21 days,¹⁶⁵ another major limitation to the path of justice. The risk of having their suit summarily rejected for a poorly articulated claim¹⁶⁶ or for appearing time-barred is exceptionally high.¹⁶⁷ This interlocking web of time and cost barriers transforms the limitation regime into a socio-economic filter, as the average Bangladeshi household earns (BDHE) roughly 32,000 BDT per

¹⁵³ *ibid* ord 7, r 1(b)-(i).

¹⁵⁴ *ibid* ord 7, r 2.

¹⁵⁵ *ibid* ord 7, r 5.

¹⁵⁶ *ibid* ord 7, r 6.

¹⁵⁷ *ibid* ord 7, r 9(1).

¹⁵⁸ *ibid* ord 7 r 14(1)-(2).

¹⁵⁹ *ibid* ord 7 r 14(3), 15.

¹⁶⁰ *ibid* ord 7, r 18(1).

¹⁶¹ Md Saleh Akram, 'A Critical Analysis of Access to Justice in Bangladesh' (2017) 6 International Journal of Humanities and Social Science Invention 50, 52-3 <[https://www.ijhssi.org/papers/v6\(8\)/Version-3/G0608035058.pdf](https://www.ijhssi.org/papers/v6(8)/Version-3/G0608035058.pdf)> accessed on 17 October 2025.

¹⁶² *ibid*.

¹⁶³ CPC ord 7, r 11(b).

¹⁶⁴ *ibid* ord 7, r 11(c).

¹⁶⁵ *ibid* ord 7, r 11.

¹⁶⁶ *ibid* ord 7, r 11(a).

¹⁶⁷ *ibid* ord 7, r 11(d).

month,¹⁶⁸ which is very limited in this era, where food expenditure is the primary expense for poor people.¹⁶⁹

However, those who defend the present approach may argue that claimants have the opportunity of delegating the proceedings to pleaders or agents.¹⁷⁰ In theory, this alleviates the mourning dependents from the procedural complexities; in practice, it replaces one kind of vulnerability with another. For instance, Bangladesh's lower judiciary suffers from a plague of chronic corruption and inadequate accountability.¹⁷¹ Pleadors and also the judges often neglect or exploit clients, leveraging their ignorance and desperation.¹⁷² Hence, without accountability, representation significantly propagates the sufferings that the law aims to address. Now, civil litigation costs multiply the BDHE figure several-fold.¹⁷³ So, for most families, filing a claim is a financial gamble rather than a guaranteed right. To mitigate economic disparity, the *Legal Aid* framework was intended to ensure state-funded legal services,¹⁷⁴ but it has become ineffective due to the lack of awareness, as the media ignores the propagation¹⁷⁵ and entrenched corruption: lawyers and clerks extort clients, delay processing, and misappropriate funds.¹⁷⁶ This is like a house already infested with bugs (corruption);¹⁷⁷ the homeowner is trying to decorate it

¹⁶⁸ Bangladesh Bureau of Statistics, 'Key Findings: Household Income and Expenditure Survey HIES 2022' (Bangladesh Bureau of Statistics 2023) Key Findings 11 <https://bbs.portal.gov.bd/sites/default/files/files/bbs.portal.gov.bd/page/57def76a_aa3c_46e3_9f80_53732eb94a83/2023-04-13-09-35-ee41d2a35dcc47a94a595c88328458f4.pdf> accessed on 18 October 2025; CEIC Data, 'Bangladesh HIES: Household Income per Month' (2021) <<https://www.ceicdata.com/en/bangladesh/household-income-and-expenditure-survey-average-monthly-income-per-household-by-income-group/hies-household-income-per-month>> accessed on 17 October 2025, under 'What was Bangladesh's Bangladesh HIES: Household Income per Month in 2022?'

¹⁶⁹ Special Correspondent, 'Monthly Household Expenses: How Much Families Spend in Different Areas' *Prothomalo English* (26 August 2025) <<https://en.prothomalo.com/business/htaut8s2sy>> accessed on 17 October 2025.

¹⁷⁰ CPC ord 3, r 1, 2, 4.

¹⁷¹ SM Solaiman, 'Prevention of Judicial Corruption in Bangladesh: Cutting the Gordian Knot by Ensuring Accountability' (2023) 19 27, 32, 39, 40, 58 <<https://doi.org/10.58112/ALR.19-1.2>> accessed on 18 October 2025; The Lawyers & Jurists, 'Judiciary of Bangladesh Is One of the Organs of the State Which Is Corrupted the Most. How Does This Situation Change? Suggest Your Recommendation' (*The Lawyers & Jurists*) <<https://www.lawyersjurists.com/article/judiciary-of-bangladesh-is-one-of-the-organs-of-the-state-which-is-corrupted-the-most-how-does-this-situation-change-suggest-your-recommendation>> accessed on 18 October 2025, under '3. Corruption in judiciary of Bangladesh'.

¹⁷² Solaiman (n 171) 32, 40.

¹⁷³ Rabiul Islam, 'Access to Justice through Legal Aid: A Study in Bangladesh' (2017) 1 *American International Journal of Social Science Research* 22, 22–3 <<https://doi.org/10.46281/aijssr.v1i1.159>> accessed on 17 October 2025.

¹⁷⁴ Kazi Sonia Tasnim and Kaniz Tania Bint-E-Basar, 'Legal Aid for Poor and Indigent Litigant in Bangladesh' (2024) 10 *Journal of Asian and African Social Science and Humanities* 23, 23–4 <<https://doi.org/10.55327/jaash.v10i3.341>> accessed on 17 October 2025.

¹⁷⁵ *ibid* 28.

¹⁷⁶ *ibid* 28–31.

¹⁷⁷ Solaiman (n 171) 32, 40; Tasnim and Bint-E-Basar (n 174) 28–31.

(*Legal Aid*)¹⁷⁸ without disinfecting, and this is bound to damage the new initiative.¹⁷⁹ That is, rather than bridging the gap, legal aid subtly reproduces it, functioning as an inhumane mockery of justice.¹⁸⁰ Through such expectations, the state manufactures procedural failure as inevitability. As a result, the solvents are put relatively in an advantageous position compared to the non-solvents.

The result is a tragic paradox: victims' families must surmount two distinct barriers, the impossible timeline and the discretionary battle for condonation before their claim can even be heard. The entitlement to monetary reparation turns out to be illusory, facilitating those with sufficient means to prove multiple issues in their litigation, first for permission to be heard and then for damages suffered. This layer approach illustrates the pathology of the legal framework, as procedural rigidity shuns moral responsibility and cultivates significant loopholes.

7.1.2.5. Insurance

Another significant limitation of both statutes concerns insurance mechanisms. The FAA contains no provision for insurance as a financial safeguard to ensure actual disbursement of compensation. The RTA, while recognizing insurance, allows vehicle owners to decide, *optionally*, whether to insure passengers.¹⁸¹ Thus, it reduces the protection of victims to a matter of choice rather than a statutory mandate. Furthermore, the RTA remains silent regarding insurance coverage for drivers, other vehicle workers, or any other 3rd party. However, this act makes it compulsory for the owner of a motor vehicle to have the vehicle insured so that any loss or damage to the vehicle is covered and compensated by the insurance company.¹⁸² Vague provisions on claim mitigation, transferability, and contractual limits of liability compound this discretionary approach. This stands in contrast to the earlier MVO, which had mandated compulsory 3rd party liability insurance,¹⁸³ and also foreign jurisdictions like France,¹⁸⁴ Singapore (insurance protection and even has an approach to protect uninsured victims),¹⁸⁵ India (at least 3rd party insurance),¹⁸⁶ New South Wales

¹⁷⁸ Tasnim and Bint-E-Basar (n 174) 23–4.

¹⁷⁹ *ibid* 28–31; Farzana Akter, 'Legal Aid for Ensuring Access to Justice in Bangladesh: A Paradox?' (2017) 4 *Asian Journal of Law and Society* 257, (abstract) <<https://doi.org/10.1017/als.2016.60>> accessed on 17 October 2025.

¹⁸⁰ Akter (n 179) (abstract).

¹⁸¹ RTA s 60(1).

¹⁸² *ibid* 60(2).

¹⁸³ MVO s 109(1).

¹⁸⁴ Renda and Schrefler (n 86) 16.

¹⁸⁵ Chew Loy Kiat, 'The Motor Insurers' Bureau of Singapore' (1998) 10 *Singapore Academy of Law Journal* 456, 456–457, 459 <<https://journalsonline.academypublishing.org.sg/Journals/Singapore-Academy-of-Law-Journal/e-Archive/ctl/eFirstSALPDFJournalView/mid/495/ArticleId/845/Citation/JournalsOnlinePDF>> accessed on 26 July 2025.

¹⁸⁶ Motor Vehicle Act (MVA) 1988 (Act No 59 of 1988) s 146. For further details, see ch XI.

(Australia),¹⁸⁷ the EU,¹⁸⁸ and cross-border vehicle-related agreements, such as the Convention of Road Traffic (3rd party insurance).¹⁸⁹ The absence of the most renowned mode of compensation¹⁹⁰ provision in the FAA, along with the RTA's optional mandate, reintroduces uncertainty into the compensation process, undermining the legislation's goal.

7.1.2.6. Judicial Scrutiny

In comparison with the RTA, the FAA preserves a higher degree of judicial engagement.¹⁹¹ That is, unlike the RTA, which entirely quashes the jurisdiction of civil courts and employs an administrative jurisdiction¹⁹² the FAA mandates that the claimants claim compensation through the civil court.¹⁹³ This procedural access, though constrained by numerous statutory and interpretive limitations, represents a crucial safeguard through judicial oversight.

The RTA's exclusion of judicial scrutiny illustrates a significant regression from not only the FAA but also the repealed MVO, as a Motor Accident Claims Tribunal (MACT) was established with civil jurisdiction identical to judicial proceedings.¹⁹⁴ Thus, the abolition of the judicial intervention on compensation claims procedure in the RTA curtails the normative basis of RoL, as the judicial scrutiny of compensatory procedural fairness has been completely terminated. In contrast, the FAA retains the virtue of vesting adjudicatory authority in the civil courts, thereby ensuring a minimal standard of due process and legal accountability. The moral mandate, which focuses on *basic ethics*,¹⁹⁵ of ensuring justice and upholding the restorative tenet is at risk in the RTA due to the violation of judicial scrutiny, which is essential for a fair and equitable society.¹⁹⁶

¹⁸⁷ Darnel Murgatroyd, Keri Lockwood and Ian D Cameron, 'The Perceptions and Experiences of People Injured in Motor Vehicle Crashes in a Compensation Scheme Setting: A Qualitative Study' (2015) 15 BMC Public Health 1, 2 <<https://doi.org/10.1186/s12889-015-1739-9>> accessed on 21 July 2025.

¹⁸⁸ European Convention on Compulsory Insurance Against Civil Liability in Respect of Motor Vehicles 1969 (ETS No 029) art 1(1); Directive 2009/103/EC of the European Parliament and of the Council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability (codified version) 2009 (Directive 2009/103/EC) 11, art 3.

¹⁸⁹ Convention on Road Traffic (CRT) 1977 art 3(8).

¹⁹⁰ World Bank, 'Motor Third-Party Liability Insurance in Developing Countries: Raising Awareness and Improving Safety' (World Bank 2009) 69971 1 <<https://documents1.worldbank.org/curated/en/645231468155122946/pdf/699710ESW0P09800liability0insurance.pdf>> accessed on 5 December 2025.

¹⁹¹ Bangladeshi FAA 1855 ss 1, 2, pmb.

¹⁹² RTA s 61(4), 52.

¹⁹³ Bangladeshi FAA 1855 ss 1, 2, pmb.

¹⁹⁴ MVO s 127.

¹⁹⁵ Winkler (n 20) 1.

¹⁹⁶ Fordham and Jr. Husted (n 24) 58.

7.1.2.7. Aid Fund v Compensation

The establishment of the FAF by the RTA was conceived as a humanitarian innovation within the framework of victim compensation.¹⁹⁷ Yet, its normative architecture introduces profound conceptual and ethical tensions. While the fund ostensibly seeks to guarantee financial relief to victims or their heirs in cases of death or injury,¹⁹⁸ its financing mechanism, grounded in public taxation, administrative fines, and voluntary donations,¹⁹⁹ blurs the traditional moral correlation between the wrongful act inflicted by a perpetrator and the mandate of reparation under the CoJ.²⁰⁰ In contrast, the FAA embodies the Aristotelian ideal of CoJ, anchoring liability in the culpable act of the wrongdoer and thereby reaffirming individual accountability as the moral foundation of compensation.²⁰¹ The FAF can be a very good means of ensuring compensation, but only in the case of non-identification or insolvency of the perpetrator. This cannot be the primary and sole source of compensation in any legal system. Therefore, RTA, by collectivizing liability through a diffuse fiscal mechanism, reconfigures compensation from a juridical act of justice into an exercise of social welfare, thereby blurring the boundary between public benevolence and private responsibility.

7.1.2.8. Outdated Legislation

The FAA's trifling, archaic colonial origin remains its most enduring weakness.²⁰² Modeled on *Lord Campbell's Act of 1846*,²⁰³ FAA enshrines nineteenth-century notions of corrective and compensatory justice, yet fails to accommodate contemporary socio-economic and human rights realities. In Bangladesh, the FAA has been inherited from the Pakistani statute,²⁰⁴ itself a vestige of British colonial law, and continues to operate as a *colonial artifact*,²⁰⁵ isolated from the present-day complexities of victim compensation.

Critically, the FAA restricts claims to a narrow class of dependents, excludes injured (but surviving) victims, and limits compensation to pecuniary damages, thereby neglecting broader human rights considerations and socio-economic justice

¹⁹⁷ RTA s 52.

¹⁹⁸ *ibid.*

¹⁹⁹ *ibid* 57(1).

²⁰⁰ Posner (n 30) 469, 470.

²⁰¹ Bangladeshi FAA 1855 ss 1, 2, pmb.

²⁰² *P.B. Kader Case* (n 26) [3].

²⁰³ *Megjibhai Khimji Vira v Chaturbhai Taljabhai* (1977) 1977 AIR 195 (Gujarat High Court) [8-9] <<https://indiankanoon.org/doc/640617>> accessed on 15 October 2025; *Gujarat State Road Transport v Kamlaben Valjibhai Vora* (2000) 2002 ACJ 780 (Gujarat High Court) [37-8] <<https://indiankanoon.org/doc/1543088>> accessed on 15 October 2025; *P.B. Kader Case* (n 26) [3].

²⁰⁴ Bangladesh (Adaptation of Existing Laws) Order 1972 s 1(2), 3, 8, 9, pmb.

²⁰⁵ Muhammad Hamza Zakir, Mehnaz Begum and Rizwana Gul, 'The Impact of Colonial-Era Laws on Pakistan's Legal System: A Historical Analysis of the British Colonial Influence on Pakistan's Legal System and Its Ongoing Effects' (2021) 9 *International Review of Social Sciences* 320, 320-1 <<https://www.researchgate.net/publication/374371941>> accessed on 16 October 2025.

principles. Thus, the development in foreign jurisdictions of the expansion of dependents,²⁰⁶ the inclusion of the injured person's claim, and awarding compensation for both economic and non-economic damages²⁰⁷ is yet to be adopted in this act. That is, the FAA does not consider damages, such as pain and suffering or loss of consortium, which are increasingly recognized in modern legal systems.²⁰⁸ This omission reflects an outdated understanding of harm and fails to align with contemporary standards of justice, which seek to provide comprehensive redress to victims. Calling for an amendment,²⁰⁹ as the developments in the mother legislation (UK FAA) went through, they have not been adopted in India²¹⁰ and Bangladesh.²¹¹ Both have inherited the statutes from the identical colonial ruler, Britain.²¹² That is, by ignoring Britain's and other nations' gradual developments, converting the law into an archaic design, which produced a *backdated compensatory scheme*, whereby, in reality, it made a judicially constrained remedy, violating the potentiality of just reparation that the Act once promised.

By contrast, the RTA was enacted to modernize vehicular liability frameworks and streamline compensation mechanisms for road accidents.²¹³ Yet, even this ostensibly progressive statute retains deficiencies reminiscent of the FAA, including restrictions on access to justice, attenuated judicial oversight,²¹⁴ and the treatment of insurance as a quasi-optional mechanism for passengers,²¹⁵ thereby striking down the compulsory mandate of the MVO.²¹⁶ Thus, while the RTA represents legislative evolution, it fails to fully rectify the systemic limitations entrenched in its colonial predecessor, revealing enduring gaps in contemporary statutory compensation architecture.

Modern scholarship thus calls for the unification of compensation laws through an integrated *Victim Compensation Code* grounded in judicial oversight, human-rights values, and RJ principles. Outdated terminology complicates modern RTA litigation, showing a disconnection with RJ, which demands accessibility and responsiveness. Prolonged delays violate fairness and efficiency. Without statutory guidance, compensation awards remain inconsistent, failing both CJ (restoring status *quo ante*)

²⁰⁶ *P.B. Kader Case* (n 26); Aggarwal (n 66) 272, 273 n 28; UK FAA 1976 1(3)(b).

²⁰⁷ Renda and Schrefler (n 86) 16; Code civil (French Civil Code) (Georges Rouhette and Anne Rouhette-Berton trs, 2006) 1804 arts 1240, 1241, 1242.

²⁰⁸ Renda and Schrefler (n 86) 16; Giaoui (n 85) 6.

²⁰⁹ *Gujarat State Road Transport Case* (n 203) [39].

²¹⁰ *Megjibhai Case* (n 203) [11].

²¹¹ Indian FAA 1855; *ibid*.

²¹² India directly inherited its legal system from the UK, whereas Bangladesh adopted the same indirectly through Pakistan. See Arvind Tiwari and Sonali Kusum, 'Decolonization of India's Legal System through Transformative Constitutionalism' in Garima Pal and Chirag Balyan (eds), *Criminalization Vol. II: Where Do We Go from Here?* (BRILL 2025) (abstract) <<https://doi.org/10.1163/97890047111105>> accessed on 16 October 2025; Bangladesh (Adaptation of Existing Laws) Order s 1(2), 3, 8, 9, pmbl; Zakir, Begum and Gul (n 205) 320–1.

²¹³ RTA, pmbl.

²¹⁴ *ibid* 61(4).

²¹⁵ *ibid* 60(1).

²¹⁶ MVO s 109(1).

and IT (ensuring victims' long-term welfare). Although theoretically aligned with Corrective and Compensatory Justice, the FAA is practically dormant. It fails to meet NT standards of universality and moral adequacy, since its outdated scope excludes many victims. While it could complement the RTA by offering judicial recourse, its underuse leaves victims without a meaningful remedy.

8. Findings

1. **FAA provides a judicially enforceable wrongful-death action:** Dependents with a civil cause of action against natural and juristic persons, and preserves due process through court-based determination and appellate oversight.
2. **Quantum under the FAA is flexible but confined to pecuniary loss:** Courts may tailor awards on a case-by-case basis, yet the statute is anchored in economic heads and does not clearly accommodate non-pecuniary harms.
3. **Beneficiary standing is narrowly drawn:** The FAA limits recovery to spouse, parents (including grandparents), and children (including step-/grandchildren), excluding siblings, partners, caregivers, and other de facto dependents that are common in extended/joint family structures.
4. **Non-pecuniary harms remain structurally under-recognized:** Pain, grief, loss of consortium, loss of amenities, disfigurement, and psychological injury are not expressly provided as heads of recovery under the FAA's wrongful-death action, producing systematic under-compensation for the most salient dimensions of loss.
5. **Injured survivors are outside the FAA's remedial ambit:** The statute addresses fatality-based claims for dependents and does not create a parallel cause of action for living victims who suffer serious injury and disability.
6. **Narrow Limitation Period and Procedural Complexities:** The one-year limitation period of the LA for claimant filing in the FAA is not scientific. That is, the family members need a minimum of two years before engaging in the complex claiming and evidentiary requirements, as the limited window acts as a primary screening criterion, exerting excessive liability over the mourning and financially harmed families, especially for insolvent families.
7. **Absence of the Compulsory 3rd party Insurance Mandate:** The absence of any compulsory 3rd party (including passengers) and the total silence of the drivers or related staff's insurance protection significantly jeopardises the compensation, where the inflictor may evade the liability.
8. **RTA and RTR established an administrative floor but with restrictive architecture:** The administrative FAF under the RTA expands by the inclusion of both fatalities and also injury, but with a very limited amount (5 lakh), with a sanctioned capped application duration of 30 days, narrowing the access.

9. **Judicial oversight over compensation has been displaced by the RTA:** By ousting tribunal/civil-court adjudication for quantum, the regime attenuates CoJ guarantees and reviewable judicious reasoning at the point of assessment.
10. **Conceptually, the RTA shifts from liability-based compensation to aid:** Funding through public revenues and administrative mechanisms diffuses the moral nexus between wrongdoing and redress, undermining accountability.

9. Recommendations

To address the gap between the law and the victim, the following recommendation has been proposed.

- i. Firstly, the compensation provisions in the FAA and the RTA should be consolidated to attach full recognition to the compensation right as a justifiable.
- ii. Secondly, the scope of the ‘dependent’ of the victims shall be enhanced to include siblings, de facto heirs, adoptive parents/children, caregivers, and other demonstrable dependents, with a rebuttable presumption for members of extended/joint households.
- iii. The limitation period for claiming compensation shall be extended up to 2-3 years.
- iv. The abolished MACT is to be revived and reconstituted and should be armed with all the powers of the civil courts to determine the liability of the perpetrators.
- v. Mandatory 3rd party insurance for every motor vehicle to ensure the coverage of the risk of fatalities and injuries of 3rd parties, creating a direct claim right of reparation from the insurers is to be reinstated.
- vi. Unique Identification Numbers (UID) assigned with every claim, coined with the police FIRs, hospital records, insurer decisions, compensation awarded, and other relevant information, should be established to proportionate compensation and scrutinize the status of claims.
- vii. By combining the vehicle company licenses and route permits with past safety and accident records, harvesting data from the UID database, it can escalate sanctions for repeated wrongdoers.
- viii. Establish a permanent Ombudsperson to scrutinize the whole compensation procedure, as the recognition of the Ombudsman is acknowledged by the Constitution.

10. Conclusion

The prevailing approach fails to uphold just compensation. The FAA preserves a judicial intervention; it fails to be inclusive. The RTA promotes an executive floor but creates loopholes through aides with capped amounts and time frames, among many others. That is why the proposed recommendation, if implemented together, would realign Bangladesh’s framework with the normative commitments articulated in RJ, CJ, and CoJ, while satisfying the RoL, translating the moral imperative into workable rights: timely, adequate, and enforceable remedies encompassing the full

spectrum of pecuniary and non-pecuniary loss. Future research should empirically test quantum methodologies for non-pecuniary damages in the Bangladeshi context, evaluate tribunal performance against time-to-award and equity metrics, and study deterrence effects of strengthened insurance and corporate accountability provisions. Until then, the legal case for reform is clear: compensation must cease to be charity and become what the law, at its best, promises a just restoration of what wrongful harm has taken away.