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FEATURE

Kanchan Lal's long wait for compensation

Hundreds suffer from vehicle accidents annually yet they are not fairly compensated for the physical, emotional and psychological stress that they endure. Questions have arisen as to whether anyone really cares about the innocent victims of fatal or near fatal accidents and the loss of lives and livelihoods for the injured or deceased families?

It is now more than 12 months when more than 40 school children and other passengers met with the horrific bus accident at Kubukawa Road when the bus lost control. The force of the impact was such that several passengers were thrown from the buses windscreen resulting in major injury including loss of limb.

One of the victims involved in that fatal accident was a 73 year-old Kanchan Lal, who had sustained injuries to his head and legs. He has been running around for a year now, seeking compensation but all doors seemed to be closed on him. Frustrated and feeling let down, Lal lodged his complaint with the Council. While he is thankful to be alive, but his life has not been the same since the ill-fated incident on 28 May 2014.

The accident not just affected his health but left a deep hole in his pocket. The injuries he sustained are now taking toll on his mobility. He is attending regular reviews at the hospital. For this, he is incurring time and money to meet medicine and transport expenses amongst other incidentals. Apart from this, Lal is unable to perform his regular household tasks.

Upon receiving the complaint from Lal, the Council sought clarification from the bus company on the delay to pay out injured passengers. The bus company informed the Council that the third party claim was declined by the insurance company.

The Council contacted the insurance company who confirmed that they had declined all the claims lodged by the bus company simply because the bus company in question was issued with two 'defect orders' by the Land Transport Authority (LTA) prior to the accident.

The bus company's Compulsory Third Party Policy was cancelled because the bus company chose to ignore the defect orders and continued to run their defective bus on the road causing accident. As a result of this, the insurance company will not entertain any claims put forward by the passengers who sustained injuries during the accident.

Like Lal, the other passengers are also waiting in anticipation, that they will be compensated soon.

It is crystal clear, the bus company owes a duty of care to these passengers and they must take responsibility to ensure that the injured passengers are compensated. After all, the bus company in question kept running their defective bus on the road compromising the lives of the passengers.

Now with the new Board, to preside over the LTA, it is time to also review the route licenses given to the bus companies to operate because some bus companies have gone complacent – they keep driving on their routes without taking any responsibility of improving their fleets. Route licenses should be reviewed and accident history, bus breakdown and customer satisfaction should be used as an important benchmark. This will weed out bad operators and give opportunity to responsible bus operators to take over that route.

Unfortunately, today's social reality is that not everyone has the money to go to court to seek compensation. Even in cases compensation was received by making third party insurance claims, the amount was often too small to cater for the injuries suffered and long delays were costly for victims. Bus passenger compensation claims are limited to \$4000 per person or \$40,000 for all passengers collectively. The amount divided amongst injured passengers is a measly sum which is based on the total number of passengers.

In Lal's case, the Council is still waiting for a response from the notorious bus company who has gone all silent on the issue. Lal and other passengers onboard that bus deserve a just and a prompt payout because - justice delayed is justice denied!