

**Report on the Cognizance of Tragic incident of Death of 57 Persons in Bus-Truck  
Accident Near Khairpur – Sindh**

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**A. Background and Introduction**

A tragic incident of collision took place between a Karachi bound bus originating from Bahrain in Swat and a truck near Theri bypass, Khairpur Sindh in the early hours of Tuesday 11<sup>th</sup> November 2014. The accident resulted in loss of life of 57 passengers including the driver and injuries to 21 others. According to the press report most of the passengers in the bus were related to each other and were on their way to attend a family wedding in Karachi. According to media report of 12<sup>th</sup> November 2014, an FIR had been lodged by the Police against the National Highway Authority (NHA) since according to initial investigation the accident occurred due to poor condition of the road and absence of any warning signs to alert drivers to the danger.

2. The Honorable Wafaqi Mohtasib took notice of the incident and ordered suo moto action under Article 9(1) of the Establishment of Office of Wafaqi Mohtasib Order 1983, President's Order No. 1 of 1983 read with Federal Ombudsmen Institutional Reforms Act, 2013. (**Annexure -A**)

**Constitution of the Committee**

An inquiry committee was constituted by the Honorable Wafaqi Mohtasib vide office order no. 213/2014 dated 11-11-2014 with the following members; (**Annexure-B**)

- |      |   |          |
|------|---|----------|
| i)   | Mr. Imtiaz Inayat Elahi, Senior Adviser<br>(Former Secretary, Capital Administration<br>& Development Division) | Chairman |
| ii)  | Maj. Gen. (R) Haroon Sikandar Pasha, Adviser<br>[Former D.G. (NAB) Sindh]                                       | Member   |
| iii) | Mr. M.A. Soomro, DG (Incharge),<br>Regional Office Sukkur   | Member   |

3. The above committee is thankful to Mr. Asad Ashraf Malik, Provincial Ombudsman Sindh, for deputing Mr. Wahid Bux Mahar, Director, Regional Office, Provincial Ombudsman Sukkur, who provided necessary assistance in holding of the inquiry.

4. Following were **Terms of Reference of the Committee**;

- i) To probe into the causes leading to the fatal accident
- ii) To fix responsibility for dereliction in duty, negligence and acts of omission or commission of the concerned departments and their functionaries.
- iii) To make recommendations to avert the possibility of recurrence of such incidents in the future.

## **B. Methodology**

5. The committee in discharge of its functions held hearings at Sukkur wherein functionaries of all the concerned departments were summoned. The committee visited the site of the accident and examined the damaged bus and truck.

6. The committee also conducted in-depth interviews of eye witnesses including a surviving passenger of the ill-fated bus, the driver of the truck involved in the accident, the owner of the hotel where the passengers of the ill fated bus stopped for meals and prayers, worker at a hotel close to the accident site, passenger of a van following the north-bound truck, patrol officer of the National Highways and Motorways Police(NH&MP), SP (NH&MP), SP Khairpur, SHO of the concerned Police Station, and Senior officers of NHA including Project Director, Consultant alongwith the contractor.

7. The committee also examined the available record and documentary evidence including the Highways Toll Plaza Log book and traffic challan receipt, contract document signed between NHA and consultant, contract agreement between NHA and the contractor responsible for repair of the section of the highway where the incident occurred. In the performance of its functions the committee was assisted by the Regional Head of the Provincial Ombudsman's office.

## **C. Observations**

8. The chronology of events is that a bus (Al-Masoom Coach) No. JB 5190 originated from Bahrain in Swat district of Khyber Pakhtoonkhwa at around 5 a.m. on 9<sup>th</sup> November, 2014 bound for Karachi. The bus got refueled with 292 liters of diesel and set off via Mardan, Peshawar, Kohat, Bannu, D.I. Khan, D.G. Khan, Multan, Bahawalpur, Rahim Yar Khan, Pannu Aqil, Sukkur, Khairpur. The bus took its first stop at Talagang Chakwal at 1300 hours on the same day. The bus entered the Sukkur area at around 0205 hours on 11.11.2014. An officer of NH&MP stopped the bus in the beat 25 Daharki section and upon observing that the vehicle had more passengers than its seating capacity and that children were lying on the floor of the bus, issued the driver a ticket imposing a fine of Rs. 750/- for overloading as the bus had more passengers then its capacity. Upon issuance of ticket the bus resumed its journey. At 0415 hours, the bus stopped at Al-Sajjad Hotel where only the driver alighted and had a cup of tea. After a 20-25 minutes stop over the bus again resumed its journey.

9. Barely 3 km in to the journey, the bus cruising between 80 and 90 Km per hour, entered the damaged section of the road. The bus hit a hump in the road which was created as a road block to divert traffic. However, over time in violation of the measure some vehicles had continued to climb over the hump and forge ahead. The sudden impact upon hitting the hump caused the driver to lose control of the vehicle and the bus ended up on the northern side of the road where it collided with a north-bound truck loaded with coal.

10. Keeping in view the eye witness account, it is clear that driver lost control of the vehicle after hitting a hump on the road. The vehicle was within the authorized speed limit and had started its journey only three minutes ago.

11. Furthermore, the probability of tiredness or drowsiness of the driver is very low as he had taken 20 to 25 minutes break and a cup of tea only three minutes prior to the incident.

12. It is clearly evident that the cause of the accident was hump on the road which was initially created as a road barrier to divert traffic. However, over time due to movement of some traffic over it, it was reduced in to a hard earthen hump. There were no signs warning the driver to slow down as he approached the hump or any extra reflectors to facilitate visibility of the hump from a distance thus depriving the driver of any reaction time to prevent a catastrophic outcome.

13. The record shows that the contract of the south-side of the road was assigned to a local Pakistani company M/s Zarghoon whereas the contract for maintenance of the north side of the road was assigned to a Chinese company. Rutting, poor condition of the road and unattended hump which could cause a serious accident, bring in to question the performance and vigilance of the departments concerned.

14. It may also be pointed out that had the NH&MP performed its duty in accordance with its mandate laid down in section 90 sub section 2(l) read with section 90 sub section 2(o) of the National Highways Safety Ordinance 2000, the disaster could have been averted. Under the aforementioned clauses NH &MP is duty bound to advise NHA for proper planning, building and development of National Highways and “*inspect and oversee installation of such other facilities on or along the national highways as are necessary for ensuring good order and safety of public*”. It is noteworthy that the NH&MP had not even once alerted the NHA or advised it to manage the hump and place adequate warning signs to facilitate vehicular traffic and avert a possible accident. All correspondence of NHMP with NHA shared with the committee was of generic nature pertaining to rutting, absence of shoulders etc. and made no specific mention of the hump.

15. D. R. Simpkins, Chief Resident Engineer, SMEC International Pvt. Ltd. who was tasked with providing guidance and technical supervision to the project as Project Management Consultant as per Terms of Reference stated in his report dated 12<sup>th</sup> November, 2014 (**Annex-C**) as under:-

*“The contractor for the Northbound carriageway is Xinjiang Beixin Road and Bridge Group Co Ltd (XB), a Chinese Company, and the contractor on the southbound carriageway is Zarghoon Enterprises (Pvt) Ltd(ZEPL), a local Pakistan’s company. “The contractors were/are responsible to provide diversions between carriageways. They submitted traffic management plans for approval which included signs providing warning of the change to motorists. Instructions have been issued to supervision staff to undertake a daily check of diversions to ensure that signage is in place, that dust control measures are enforced and that any potholes or damage would be repaired. However, ZEPL’s efforts to stop traffic moving into their work area were not entirely successful in that some vehicles continued south by driving over the earth barrier”*

16. NH &MP is playing a vital role on Motorways and providing quality vigilance and inspecting services throughout Pakistan but there are serious shortcomings in its performance on National Highways because of shortage of human resource. It is clear that NH&MP has widened the scope of its work from Motorways to National Highways without allocating adequate resources. It is the major responsibility of NH&MP to check overloading as well as taking precautionary measures on the road to avoid such fatal accidents.

17. Office of the Chief Patrol NH&MP Beat-25 Daharki Sector-I, N-5, South on 13<sup>th</sup> November, 2014 in their Beat Survey Report of Beat-5 issued by Mr. Nisar Ahmed Hattar, A/Chief Patrol Officer stated that: **(Annex-D)**

- i) Diversion Starts, flashing lights required.
- ii) Diversion ends, flashing lights required.
- iii) 558-NB (North Bound), Rutted portion of the road.
- iv) 559-NB, Rutted portion of the road and grooves have been developed.
- v) 560-NB Rutted portion of the road and grooves have been developed.
- vi) 572-NB Guardrail broken and required repair. Dangerous ditch is adjacent to hard shoulder.
- vii) 582-NB to 583 Hard Shoulder needs to be repaired.
- viii) 588-NB A ditch on hard shoulder near front of Alliance Sugar Mills.
- ix) 589-NB to 592 Poor road condition and needs to be repaired.
- x) 594-NB Cracks are developed in between first lane and hard shoulder.
- xi) 607-NB Road has been cracked in between first lane and hard shoulder
- xii) 608-NB Speed Breaker on first and second lane
- xiii) 608-SB (South bound) Speed Breaker on first and second lane.
- xiv) 607-SB Speed Breaker on first and second lane.
- xv) 606-SB Poor road condition and hard shoulder is deplorable.
- xvi) 600-SB There is no space of hard shoulder, no indication, signboard is fixed. Guardrail is strongly required here to avoid any incident.
- xvii) 591-SB to 590 There is danger curve, chevron, guardrail and other road furniture required.
- xviii) 584-SB No inner & outer hard shoulder, whereas water course (NALA) crossing the road.
- xix) 584-SB No inner & outer hard shoulder, whereas water course (NALA) crossing the road.
- xx) 578-SB There is dangerous curve, chevron, guardrail and other road furniture required.
- xxi) 576-SB Poor road condition and road surface is uneven at curve.
- xxii) 574-SB No inner & outer hard shoulder, cat eyes, lane marking.
- xxiii) 569-SB No inner & outer hard shoulder. Level of road surface and plain hard shoulder is about 1 foot; any incident may be occurred while overtaking.
- xxiv) 564-SB Hard shoulder is blocked with stone crash, any incident can happen.
- xxv) 563-SB There is road cutting on bridge where drivers suddenly apply brakes and vehicles following may hit from rear.
- xxvi) 556-SB There is poor road condition and groove has developed.
- xxvii) 555-SB Hard shoulder is blocked with stone crash, any incident can happen.
- xxviii) 553-SB Very poor and deplorable road condition, unavailability of hard shoulder, only mud is lying on hard shoulder.

Note: Moreover, in overall beat area there are no lane marking, cat eyes installed / fixed to guide the road users in case of night hours and especially in foggy and rainy season. Hardly 20% inner & outer hard shoulder is available in whole beat area. Lane Marking, Cat eyes, Chevrons at curves, different signboards and guardrails are required.

**18. It is noteworthy that the above detailed report points to numerous deficiencies but unfortunately makes no mention of the hump and the potential risk it posed to safety of vehicular traffic on the road.**

**D. Findings on Issues Contained in the Terms of Reference**

i) To probe in to the causes leading to the fatal accident

19. After hearing the points of view of the officials concerned and examining the statements of the eye witnesses including those at Al Ghadeer Hotel, Mashallah Hotel, surviving passenger of the bus and passenger of a vehicle behind the truck involved in the accident ((**Annex-E**) along with other concerned, it can be clearly inferred that the accident was caused by sudden impact with the hump on the highway near Theri bypass. The driver had no prior warning of the presence of a hump on the road and upon hitting the hump the vehicle lost control and fell over to the North side colliding with the truck coming from the opposite direction. No textual or pictorial warning sign was placed ahead of the hump to allow the vehicle to slow down on the approach to the hump.

20. The statement of Mir Joel Khan, a survivor who was sitting close to the driver is of critical importance wherein he states that there was no signboard to forewarn about presence of any hump ahead and on seeing the hump he raised alarm which was belated and gave no reaction time to the driver (**Annex-F**).

21. All available evidences rule out other possible causes like malfunction of the vehicle, over-speeding, fatigue or drowsiness of the driver as the fitness certificate shows the vehicle was fit to play on a long haul journey and the driver had freshened up a few minutes before the accident. It is also abundantly clear from eye witness account and logical flow of events that since the journey had only resumed three minutes before the accident the vehicle could not have attained a speed beyond the authorized limit especially on a section of the road that is badly damaged.

ii) To fix responsibility for dereliction in duty, negligence and acts of omission or commission of the concerned departments and their functionaries.

22. It is abundantly clear that the cause of the accident is the hump that was not properly managed. On this count the contractor M/s Zarghoon is responsible for failing to manage the hump that led to a catastrophic accident and to place signs and warnings as per the terms of the agreement. It is also evident that NHA being responsible for upkeep and maintenance of Highways has failed to perform its role towards supervision of the work of the contractor and ensuring that damage caused to the road was repaired on urgent basis. NHA's contention that the safety signs were removed by the NH&MP and that the cause of the accident could be overloading of the Bus, does not in any way absolve NHA of its responsibility of oversight, supervision and monitoring of the project. There is no evidence available to show that NHA had identified the absence of safety signs to forewarn about the presence of a dangerous hump and taken due measures. Had the relevant functionaries of the NHA been more vigilant, the necessary safeguards would have been in place including the warning signs to avert a disastrous incident. There was a DG, GM, Director Maintenance and full time Project Director who had been placed under suspension following the incident. Officials of NHM&P

are equally responsible for failing in their duty to ensure that aids for enhanced visibility of the hump and forewarning were available to avert the catastrophe. It is noteworthy that the area of the accident had heavy presence of NH&MP personnel who were continuously patrolling the area.

23. The entire episode has shown sheer lack of vigilance, neglect of duty and apathy towards safety of passengers and inaction in averting a possible catastrophe of all concerned including Contractor, Consultant, NHA and NH&MP. It is indeed deplorable that NHA being custodian of the project did not provide effective oversight and monitoring to the project despite the fact that there is abundant clarity in providing all necessary aids for visibility and putting in place measures for safety of passengers while initiating repair work and creating diversions. The contract agreement provides for specific requirements of signage with specifications including color, size, thickness etc. for diversions and general safety which were not adhered to in this case. All such requirements are included in the cost of the project.

24. The committee noted that upon its arrival in accident area, the authorities concerned had placed reflective road signage in the project area alongwith flag bearers stationed close to the diversion on both sides of the road which clearly establishes that it was a reactive move and was not in place to avert the disaster.

25. The committee views that negligence and dereliction of duty has been established on the part of NHA, NH&MP and the contractor. Therefore penalties may be imposed as under;

- a. The contractor ZEPL may be blacklisted.
- b. Compensation to the tune of Rs. 200,000 to family of each deceased and Rs. 100,000 to each injured passenger be granted and the same be recovered from the contractor. In case the amount cannot be recovered from the contractor, the NHA should arrange funds for the purpose.
- c. Disciplinary action be taken against all officials involved including those in NHA; DG, GM and Director (Maintenance) and Sector Incharge of NH&MP.
- iii) The concerned authorities may issue strict instructions to obviate the possibility of recurrence of such incidents in the future.

26. It is noteworthy that this is the first time that FIR has been lodged *against a Government institution for criminal negligence with regard to* a road accident.

27. It is indeed sad reflection on the performance of state institutions that are responsible to ensure safe travel of the citizens that they derelict from their duties with impunity and there is no instance of any accountability to bring those responsible to book and take measures to avoid any recurrence. The gravity of the situation has to be looked at in its entirety.

#### **E. Global Perspective**

28. Approximately 1.24 million people die every year on the world's roads, and another 20 to 50 million sustain nonfatal injuries as a result of road traffic crashes. These injuries and deaths have immeasurable impact on the families affected, whose lives are often changed irrevocably by these tragedies, and on the communities in which these people lived and worked. Many millions more are left with disabilities or emotional scars that they will carry for the rest of their lives.

Road traffic injuries are the eighth leading cause of death globally, and the leading cause of death for young people aged 15–29. The cost of dealing with the consequences of these road traffic crashes runs to billions of dollars. Current trends suggest that by 2030 road traffic accidents will become the fifth leading cause of death unless urgent action is taken. Economically disadvantaged families are hardest hit by both direct medical costs and indirect costs such as lost wages that result from these injuries. At the national level, road traffic injuries result in considerable financial costs, particularly to developing economies. Indeed, road traffic injuries are estimated to cost low- and middle-income countries between 1–2 % of their gross national product.

29. Road traffic injuries (RTI) are increasing, notably in low- and middle-income countries, where rates are twice those in high-income countries. This is partly attributable to the rapid rate of motorization in many developing countries that has occurred without a concomitant investment in road safety strategies and land use planning. While road traffic fatality rates are decreasing in some high-income countries, the rapid increase in road traffic crashes in low- and middle-income countries has driven an overall global increase in deaths and injuries with the disparity between high- and low-income countries accentuating further.

30. Nonetheless, RTIs are preventable. In 2004, World Health Organization (WHO) and World Bank (WB) jointly stressed the need for 'systems approach' and multi-sectoral action for prevention of road traffic injuries. The 'systems approach' to road safety involves identifying the interactions between the road users, the vehicle and the road environment i.e., the potential areas for interventions. On the same lines, the UN Road Safety Collaboration has developed a Global Plan for the Decade of Action for Road Safety 2011 - 2020. The UN addresses to retransform the road transport system by trying to accommodate human error by taking into consideration susceptibility of the human body and attempting to share the responsibility from road users to those who design road transport system. The categories or pillars of the activities that will be focused are: building road safety management capacity; improving the safety of road infrastructure and broader transport networks; further developing the safety of vehicles; enhancing the behaviour of road users; and improving post-crash care.

#### F. **Pakistan Scenario**

31. The growth and development of a nation depends, largely, upon the capacity of its transport system to move persons and goods to desired locations safely. In developing countries, like Pakistan, roads often carry a wide range of users – from heavy goods-vehicles to bicycles and pedestrians without any separation. Road deaths in Pakistan are increasing every year, while they are declining in the developed countries despite increase in volume of traffic.

32. According to the statistics bureau of Pakistan a total of 8,885 accidents took place in Pakistan in the year 2013, out of which 3,822 were fatal 4,261 people died in these accidents while 9,226 got injured during the said year.

33. The Global Status Report on Road Safety 2013 published by the World Health Organisation (WHO) declared road accidents in Pakistan a leading cause of death for young people aged 15-29. The report recorded at least 5,192 deaths in 2010, but (NH&MP) and Rescue 1122 put the annual death toll due to road accidents at around 12,000. The report also reflects on the dismal condition of road infrastructure in Pakistan due to irregular safety



inspections of existing roads. Regarding post-crash care, the report acknowledged the lack of an emergency room-based injury surveillance system, along with a dearth of well-trained nursing staff for emergency situations. Fatalities from road accidents indicated that 41 per cent were pedestrians, four per cent drivers, and 39 per cent passengers, while the rest were grouped under “others”.

Pakistan is a developing nation demonstrating all the features of urbanization and economic growth that portend an increasing risk for motor vehicle injuries. Road traffic injuries are a growing public health issue in Pakistan, disproportionately affecting vulnerable groups of road users, specially the poor, requiring concerted efforts for effective and sustainable avoidance. Male proportion play dominant role in the country to earn for their families so they have to face more problems like injuries and disability. Poor conditions of vehicles, uneducated drivers, violation of the traffic rules and regulation and poor state of vehicle inspection system are the major causes of the road accidents.

## **G. Pakistan Road Safety Issues**

34. Some other research evidence also indicates that the human element is responsible for 80 to 85% of all traffic accidents.

### **1. Institutional Issues**

- Lack of coordination, cooperation, collaboration among safety stakeholders is identified as leading barrier for institutional capacity building.
- Currently there is no formal coordination and data sharing among agencies on road safety.
- Insufficient allocation of financial and human resources to road safety program.
- Non availability of trained Traffic Operation Engineers and Road Safety Auditors.
- Lack of training and educational opportunities to road safety professional.

### **2. Road Users Issues**

- Law for helmet usage is present but its compliance is low, warm weather and view restriction are among the reasons for low compliance of helmet use.
- Motorists generally do not wear seat belt. There is a National seat belt law but the implementation is poor. Most of the vehicles plying on road are old and not equipped with the seat belts.
- Use of cell phone while driving, walking and even motor-biking is increasing day by day.
- Underage driving has become a serious threat to the life and property of people as laws could not be implemented in letter and spirit by the traffic police.
- No government school has adopted road safety in their curriculum. However, few privately managed schools have included road safety education in curriculum

### **3. Public Transportations Issues**

- Upto 20 years old buses are plying on our roadway.
- Shortage of public transportation is causing overloading of Public vehicles.
- Lack of government run public transportation has resulted into many small transportation companies and those are difficult to regulate.

### **4. Road Infrastructure Issues**

- Parking spaces are not available in the major cities, leading to congestion and road crashes due to unauthorizedly parked vehicles
- There is no policy on U-Turns. The illegal U-Turns made by the business owners are causing road crashes.
- Underpasses chocked during rain, making those unusable.

### **5. Vehicle Safety Issues.**

- The overloading of the trucks, which are not designed for that amount of load, cause severe damage to roads resulting in rutting of roads and creates safety problems.
- Illegal High intensity lights are being used by the drivers, which are a cause of glare and crashes during night time.
- Although fog lights are available in some of the new vehicles, drivers are not aware of their proper use and crashes which can be avoided, happen.

### **6. Legislation /Regulation Issues**

- Most of the drivers who are involved in serious road crashes escape criminal and civil penalties. Crash victims and their relatives are generally not aware of their legal rights/compensation.

### **7. Hospital/Emergency Response Issues**

- State-of-the-art trauma centers are generally not available in Pakistan.
- Growing congestion in urban area causes delay in patient transportation to hospital.

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## **H. Remedial Measures and recommendations to avert possibility of such accidents in future**

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- Media should raise public awareness on the importance of compliance with legislation and application of individual protective measures for personal safety.
- To establish an effective surveillance system for preventing road traffic injuries through planning intervention strategies
- Speed laws should specify a maximum urban speed limit
- Road planners should adopt effective and safe traffic management measures in planning transport and land-use developments.

- Health agencies should ensure development of effective emergency medical/services and to provide health promotion road safety programmes.
- Road engineers and highway authorities should improve the safety performance of the road network by ensuring that planning, design, construction and maintenance places a high priority on safety outcomes.
- The training of the drivers should equip learner and novice drivers with the necessary skills, attitudes and behaviour needed to drive safely on roads. It should maintain and develop a high standard of driver training, instruction and professionalism.
- To help avoid fast deterioration of the road network, there is a need to enforce strict implementation of Axle load Management Regime in consultation with all stake holders.
- There is a need to develop and upgrade the existing setup of R&D for road infrastructure. This will help to address the issues relating to pavement design failures resulting in huge cost to the national exchequer. This may be taken up by NHA by involving Academia and all Provincial Road Departments.
- Issues relating to capacity building of Contractors and Consultants be addressed i.e. laws and regulations governing these stakeholders need to be reviewed for which PEC should play the lead role in consultation with all stake holders.
- Short, Medium and Long term Plans be developed for up gradation of road infrastructure after due consultations and deliberations. Sanctity of such plans be ensured.
- There is a need to establish a monitoring authority for motorways and highways with the mandate to ensure that internationally accepted bare minimum quality standards are implemented.