

خدمت جناب چیف جسٹس صاحب سپریم کورٹ آف پاکستان

جناب عالی :-

گزارش ہے۔ چونکہ جناب والا چیف جسٹس کی کرسی سنبھالنے کے بعد سے پاکستان کے مفاد میں

سب سے اقدامات اٹھائے ہیں۔ جن میں سب سے بڑا قدم ڈیم کی تعمیر کے لئے فنڈ کا قیام

جو ایس صد اور اسے باسیوں کے ساتھ لیا نہ صحبت کا منہ بولتا ثبوت ہے۔

آپ صائب کی چیمبرل شریف اور ہی پر موقعے کو غنیمت جان کر چیمبرل کے پاسیوں کو درپیش ایک

ایم مسئلے کا جانب آپ کا کرم مہذول کرنا چاہتا ہوں

یہ کہ جناب والا کل چیمبرل آئے تھے آپ نے خود ہی ملازمہ کو لوار کی ٹیل میں رکھ کر چھوڑ دیا ہے۔

نہ جانے کیوں۔ این۔ ایچ۔ اے کے احکام ٹیل کو کھولنے کے بجائے مخصوص وقت میں چھڑ گھنٹوں

کے لئے کھولنے میں نتیجتاً مسافر جن میں بچے، بوڑھے اور عورتوں تھے سو۔ گھنٹوں ازراہ

کرتے ہیں۔ اس دوران میں چیمبرل کو ٹیل لانے والے آئل ٹینکروں کو ٹیل سے گرنے نہیں دیتے

اور لوار میں پاس سے گزرنے کا مشورہ دیتے ہیں۔ جسکی وجہ سے چیمبرل میں بسا اوقات پتھر پھول

اور ڈیڑھ لاکھ تک ٹوٹی ہوئی۔ این۔ ایچ۔ اے کے اس اقدام سے ٹیل کے دونوں اطراف میں قائم ٹوٹلوں

کے سوا کسی کا خاندانہ نظر نہیں آتا۔ منجانب تصویر ایسی منہ بولتا ثبوت ہے۔ ایلنے گزارش ہے کہ ایسی مسئلے پر

پتھر پھول اور ٹیلنگ لورڈ ٹیل کل وقتی لوار مسافروں کے لئے کھلوائیں جس پر چیمبرل کے چیمبرل ہائینڈرگال

آپ کی درازی عمر کے لئے ہمیشہ دعا گو رہیں گے۔

فقط

ایمان چیمبرل

بزرگ محمد الی خان ولد محمد رضا

03454413438

ساکن محلانہ چیمبرل

SHANUAR RASHID Advocate

Supreme Court of Pakistan

No. 478/AD-CPC-CL

Dated. 21/05/2019.

To,

The Hon'ble Judge,
District Consumer Court Chitral.


Subject: Complaint against NHA, Security In charge and In charge of Police contingent at Lawari Tunnel for creating obstacles in the free passage of passengers.

Respected Sir,

With reference to the subject cited above it is pertinent here to bring into your kind notice that the lawari tunnel Chitral has been designed in such a way that flow of traffic is possible in two ways but unfortunately it is being used for one way traffic only. The right of passengers' free passage is being violated every day by the management of the tunnel. Passengers have to wait for hours at both end of lawari tunnel while travelling to Peshawar from Chitral and vice versa. Passengers from only one side are allowed to travel at a time while passengers from the other side are kept waiting for long time against their wishes. The maintenance of this tough schedule by the management of Lawari Tunnel is not justifiable and it is a manifest violation of passengers' right to free passage.

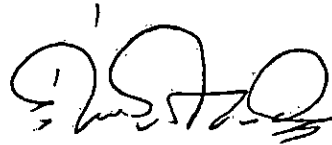
In addition, the construction work of the tunnel is complete in every aspect and there is no construction work going on at the tunnel. All necessary work has been completed and the tunnel is ready for full operation, hence, passenger must be allowed to travel without any obstacles and inconveniences. Contrary to this, the management of the tunnel is creating obstacles for passengers by ordering them to wait for hours. When the passengers ask about this unnecessary and unjustified schedule of the tunnel they are being treated roughly and impolitely.

Moreover, this tough schedule is not meant for all and sundry because influential people including government servants, political persons and relatives of the security personals are allowed to travel without observing the schedule. Influential people don't wait for a minute while common people wait for an hour. This discrimination at the tunnel goes against the common belief that "all are equals before law". This discrimination should end without any delay in order to strengthen peoples' belief and trust on the law of the land.

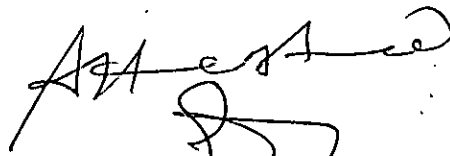

SIKANDAR RASHID
 Advocate
 Supreme Court Of Pakistan

Because, the service of tunnel is for an uninterrupted travelling of passengers going to and from Chitral there is no need to maintain a tough schedule for passengers. This unfair practice by the management of the Tunnel is a violation of consumer protection act 1997 amended 2017 because the act provides for the protection of consumer rights. According to the act passengers come under the category of consumers because of the fact that they pay for their travelling. Hence, it is the need of the hour to protect the rights of consumers.

Considering the points highlighted above this complaint is submitted with the request that necessary legal action should be initiated for the safeguarded and protection of consumer rights under the consumer protection act 1997 amended 2017.



ASSISTANT DIRECTOR
CONSUMER PROTECTION COUNCIL
CHITRAL



SIKANDAR RASHID

Secretary
Consumer Protection Council
Chitral



12

NATIONAL HIGHWAY AUTHORITY
Office of the Project Director (Lowari Tunnel & Access Roads Project)
Dir Upper
☎: 0944-881160 ☎: 0944-881391 ✉: pdltpdirupper@gmail.com

No.1 (42) /PD/ (LTP)/NHA/19/ 118

Dated: 12th July, 2019

Assistant Director
Consumer Protection Council
Chitral.

Subject: LOWARI TUNNEL AND ACCESS ROADS PROJECT
Complaint against NHA, Security In charge of Police contingent at
Lawari Tunnel for creating obstacles in the free passage of passengers.

The reply to the observation raised is as follow.

The Tunnel Civil work is completed but the procurement of permanent E & M work is in progress. The Tunnel was inaugurated on 20th July, 2017.

"In December, 2017, some temporary and provisional (soft operation) of Electro-Mechanical works were made and Tunnel was opened to traffic twice a day, which was successively increased to nine (09) hours and finally (4) times a day for twelve (12) hours on the demand by Commissioner Malakand. Thus total operation hours become eighteen (18) hours with two hours gap between traffic use, for cleaning the some and toxic gases."

No further increase in frequency and timing beyond total eighteen (18) hours is particularly possible practically during late night.

Lowari Tunnel is designed as one way traffic and one lane is kept as emergency lane. It is an international Tunneling standard traffic to provide an additional emergency lane (non traffic lane) over and above traffic lanes for overtaking a dead vehicle and may also be used for by Ambulance and rescue Vehicles. Therefore, Lowari Tunnel cannot be used as two (2) lane traffic lane in both the direction, to avoid head-on collision.

During winter season no traffic is allowed after sunset because the access Roads become un-approachable for rescue at night due to piles of thick snow on the Access Roads. Tunnel operations also get impeded due to absence of Power Supply from WAPDA and periodical maintenance and repair of temporary installed Generators.

The design Consultant had strongly objected the improvised arrangements of temporary installation of limited Electro-Mechanical works.

The procurement of specified Electro-Mechanical works and Buildings & other facilities at portal are in progress.

As soon as the permanent E & M work is completed, the Tunnel will be opened for traffic for 24 Hrs, but still the traffic will remain one dimensional. As far as the movement is concerned, only Ambulance is allowed to pass in case of emergency.

RAFIQ ALAM
Project Director (LTP)

Copy To:

- o General Manager LTP, NHA HQ
- o District Nazim Chitral
- o Deputy Commissioner Chitral
- o DPO Chitral
- o Master File.

SIKANDAR RASHID
Advocate
Supreme Court Of Pakistan

25th September, 2018

LOWARI TUNNEL PROJECT

NATIONAL HIGHWAY AUTHORITY'S COMMENTS/REPORT IN RESPONSE TO
APPLICATION BY RESIDENTS OF CHITRAL C/O ABDUL WALI KHAN
HRC No. 63505-K/2018

A. EXECUTIVE SUMMARY

There are **TWO (2) MAJOR COMPONENTS OF TUNNEL PROJECT** i.e. (i) the **CIVIL WORKS** and (ii) the **ELECTRO-MECHANICAL (E&M) WORKS** (for operation, safety, monitoring and traffic management).

Soon after the **Civil Works** of Lowari Tunnel Project were nearing completion, the Tunnel was opened to traffic during the inauguration by the former Prime Minister of Pakistan on 20th July, 2017, while some balance work and repair & maintenance works were in progress and no temporary and provisional arrangements for ventilation and lighting was made.

In December 2017, some temporary and provisional (soft operation) of Electro-Mechanical Works were made and Tunnel was opened to traffic **twice a day**, which was successively increased to nine (9) hours and finally **FOUR (4) TIMES A DAY FOR TWELVE (12) HOURS** on the demand by the Commissioner Malakand. Thus total operation hours **BECOMES EIGHTEEN (18) HOURS WITH TWO (2) HOURS GAP** between traffic use, for cleaning the some and toxic gases.

No further increase in frequency and timing beyond total eighteen (18) hours is practically possible particularly during late night.

Lowari Tunnel is designed as one way traffic tunnel and one lane is kept as emergency lane. It is an international Tunneling standard to provide an additional emergency lane (non-traffic lane) over and above traffic lanes for overtaking a dead vehicle and may also be used for by Ambulance and Rescue Vehicles. Therefore, **LOWARI TUNNEL CANNOT BE USED AS TWO (2) LANE TRAFFIC LANE IN BOTH THE DIRECTIONS, TO AVOID HEAD-ON COLLISION.**

During winter no traffic is allowed after sunset because the Access Roads become un-approachable for rescue at night due to piles of thick snow on the Access Roads. Tunnel operations also get impeded due to absence of Power Supply from WAPDA and periodical maintenance and repair of temporary installed Generators.

The Design Consultant had strongly objected to the improvised arrangements of temporary installation of limited Electro-Mechanical Works.

The procurement of specified Electro-Mechanical Works and Buildings & Other Facilities at Portal are in progress.



SIKANDAR RAS
Advocate
Court of P...

B. DETAILED COMMENTS

1. RAILWAY TUNNEL

Keeping in view the low volume of traffic about 500 to 700 vehicles per day and economy of construction and operational & maintenance, a Construction Contract was awarded for Railway Tunnel in October 2005 and the excavation of Lowari Tunnel cavity of 8.5 Km was completed in 2009.

2. CONVERSION TO ROAD TUNNEL

Under instructions of Ministry of Communications, GOP, the Railway Tunnel was converted into Road Tunnel as one way traffic flow supported with emergency lane for safety and rescue operation and overtaking against broken down vehicles.

It took about four (4) years for the documentation, approval and PC-1 approval for converting Railway Tunnel into Road Tunnel and to recommence the Civil Works in 2013 for widening of Tunnel cavity and concrete work in Tunnel cavity.

3. EMERGENCY LANE

Lowari Tunnel is designed as one way traffic tunnel and one lane is kept as emergency lane. It is a standard practice in Tunnel Technology to keep one emergency lane, firstly for overtaking by running vehicles, if there is breakdown of vehicle in the traffic lane. Secondly, the emergency lane is reserved for Ambulance and Rescue Operation.

4. ESSENTIAL COMPONENTS OF ROAD TUNNEL

The Road Tunnel had the following essential components:-

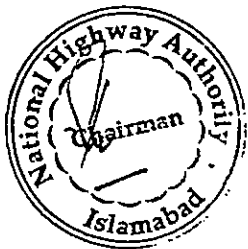
4.1 The CIVIL WORKS for the Tunnel cavity with necessary concrete structures inside the Tunnel.

4.2 Electro-Mechanical (E&M) Works for operation, monitoring traffic management, safety of human life and properties, to be taken up after 100% completion of Civil Works. The E&M Works include *inter alia* the following:-

- Power Supply, High & Low Voltage
- Tunnel Lightening
- Air Quality measurement
- CCTV System
- TUNNEL VENTILATION
- Emergency, Telephone, Radio System and Public Address System
- Traffic Management System
- FIRE DETECTION & FIRE FIGHTING SYSTEM
- SCADA System

5. OPENING OF TUNNEL FOR PUBLIC USE

While the Civil Works inside Tunnel were nearing completion with some balance works and the procurement Contract for E&M Works was in process, the TUNNEL CAVITY WAS OPENED TO TRAFFIC THROUGH AN INAUGURATION ON 20TH



SIKANDAR RASHID
Supreme Court Of Pakistan

15

JULY, 2017 by the former Prime Minister of Pakistan and on the demand of local Administration and General Public.

6. SCENARIOS OF TUNNEL OPENING TIME PERIOD AND FREQUENCY

- SCENARIO-1: After opening/inauguration of Tunnel on 20th July, 2017 – 8 Hours - Without installation of Temporary Safety Arrangements for Ventilation and Lights

Status	Tunnel Operation Timing		Duration
	From	To	
1 st Opening	09:00 am	01:00 pm	4 hours
2 nd Opening	03:00 pm	07:00 pm	4 hours
Total			8 hours

- SCENARIO-2: After making some temporary operational and Rescue arrangements – 9 Hours

Status	Tunnel Operation Timing		Duration
	From	To	
1 st Opening	4:00 am	5:00 am	1 hours
2 nd Opening	9:00 am	12:00 pm	3 hours
3 rd Opening	2:00 pm	4:00 pm	2 hours
4 th Opening	6:00 pm	9:00 pm	3 hours
Total			9 hours

- SCENARIO-3: On the request of Commissioner Malakand – 12 Hours
General Manager (Lowari Tunnel) NHA already requested Commissioner Malakand for issuance of Notification, for increased hours and frequency of Tunnel operation.

Status	Tunnel Operation Timing		Duration
	From	To	
1 st Opening	4:00 am	7:00 am	3 hours
2 nd Opening	9:00 am	12:00 pm	3 hours
3 rd Opening	2:00 pm	5:00 pm	3 hours
4 th Opening	7:00 pm	10:00 pm	3 hours
Total			12 hours



SIKANDAR RASHID
Supreme Court of Pakistan

A gap of two (2) hours is essentially needed after each opening for removing of smoke and toxic gases from Tunnel.

Thus total time of Tunnel Operation for public use becomes 12+6 = 18 Hours

THE EMERGENCY VEHICLES INCLUDING AMBULANCE WITH PATIENT OR DEAD BODY, ARMY VEHICLES AND POLICE VEHICLES ARE EXEMPTED FROM ABOVE TUNNEL OPENING SCHEDULE AND ALLOWED TO CROSS THE TUNNEL AS AND WHEN APPROACH THE TUNNEL.

7. RISK & FIRE INCIDENTS

The European Consultant with local associates having experience of more than 100 Tunnels throughout the World and being one of the promoters of the innovative method of tunneling, had strongly OBJECTED TO THE OPENING OF TUNNEL and Public Use without the proper and standard specification of Electro-Mechanical Works as designed and documented by the Consultant. They draw the attention of NHA to the consequences of FATAL FIRE ACCIDENTS IN THE TUNNELS causing a number of deaths and destruction of vehicles.

Pertinent extracts from some of their written comments are reproduced below:-

1. Letter No. EMS/NHA/LTP/18/20438, dated 11th January, 2018

For the similar geographical and social condition behavior in Afghanistan in Salang Tunnel (2.6 km) death toll was 400 INVOLVING PETROL TANKER / MILITARY VEHICLE.

Case history of FIRE ACCIDENT of few selected Tunnels elsewhere is tabulated below; although there are near about fifty (50) known cases of FIRE ACCIDENTS as per the attached list:-

FEW CASES OF TUNNEL FIRE ACCIDENT

S.#	Tunnel Name/ Country/ Length	People	Vehicles destroyed
1.	SALANG TUNNEL, Afghanistan – 2.6 Km	400 DEATHS	Petrol Tankers, Military vehicles
2.	MONT-BLANC TUNNEL, France/Italy – 11.6 Km	39 DEATHS	23 HGVS, 1 van, 9 Cars, 1 fire-engine vehicle, 1 emergency car, 1 motorcycle
3.	TAUERN TUNNEL, Austria 6.4 Km	12 DEATHS, 49 injured	14 lorries, 26 cars



PROVISION OF ESCAPE TUNNEL

Anybody travelling in Tunnels infested countries like Austria, Switzerland and etc., might have noticed that those countries give immense value to human life. In the long tunnels, besides the full scale E&M Works, they have a parallel Escape Tunnel with intermittent connection for safe escape. This would have doubled the cost and time of construction. Keeping in view the relatively low volume of traffic, austerity & economy in cost and time for construction, escape tunnel was not considered at present and kept in abeyance.

SIKANDAR
Associate
Supreme Court Of Pakistan

17

Under the prevailing circumstances, operation of Lowari Tunnel on full time basis without proper standard specifications for E&M Works as designed by the International Consultant would constitute additional risk and operational problem particularly with the temporary provisional arrangements.

9. PROVISIONAL AND INTERIM ARRANGEMENT FOR TEMPORARY VENTILATION AND LIGHTING

NHA having no alternative in response to the requests of Local Administration and General Public made some interim temporary arrangements within the affordable cost for the lighting and ventilation inside the Tunnel.

10. CONSULTANT'S DISAGREEMENT

The Consultant did not agree to the interim temporary arrangement as it fits with no standard specifications and TUNNEL REGULATORY AUTHORITY IN EUROPEAN COUNTRIES.

The Tunnel cavity gets accumulated smoke and toxic gases, which demands a time period of 2 to 3 hours periodically for cleaning the Tunnel from smoke after each episode of traffic movement.

Besides, there are some balance Civil Works is ongoing requiring the stoppage of traffic to avoid accidents.

11. NO OPERATION IN WINTER AFTER SUNSET

During winter season, the Access Roads gets pile of snow on the Access Roads preventing any rescue operation on Access Roads. As such **NO TRAFFIC SHOULD BE ALLOWED TO APPROACH TUNNEL TO CROSS IT AFTER SUNSET.**

12. TUNNEL CLOSURE SCENARIO IN THE NEAR FUTURE FOR E&M WORKS

Once the Contractors for E&M WORKS IS ON BOARD, they would demand complete closure of the Tunnel for their Work, safety of the Equipment and Fittings & Fixtures as well as of lives of the expatriate and local experts.

13. EXISTING CONSTRAINTS – WAPDA ELECTRICITY

A significant quantity of Power is needed for operational equipment. WAPDA although is working on this issue but the Power Supply is yet to be made by WAPDA. Presently, the costly power is arranged by NHA on temporary basis from Generators.

14. PUBLIC AWARENESS

NHA will undertake a publicity medial campaign to create awareness in the minds of Public and Local Administration that the **TOTAL WORK OF TUNNEL IS NOT COMPLETE** without the **E&M WORKS** as per standard acceptable specifications. They should remain contended with the available facilities to meet their needs in a controlled manner.



Asif
SIGANBAR RASHID
Advocate
Page 5 of Pakistan

15. CONCLUSION

- (i) WAPDA MAY BE PERSUADED FOR PROVIDING POWER EXPEDITIOUSLY.
- (ii) NO FURTHER EXTENSION OF FREQUENCY AND TIME PERIOD FOR OPENING OF TUNNEL FOR GENERAL PUBLIC IS PRACTICALLY POSSIBLE BEYOND GROSS 18 HOURS OPERATION.
- (iii) THE PROCUREMENT OF CONTRACT FOR SPECIFIED ELECTRO-MECHANICAL WORKS (E&M) AS PER DESIGN AND DOCUMENTATION BY CONSULTANT WOULD BE EXPEDITED BY NHA.
- (iv) THE AWARD OF CONSTRUCTION CONTRACT FOR BUILDINGS AND OTHER FACILITIES WORKS AT TUNNEL PORTAL WOULD BE MADE SHORTLY.

(Lo)

Jawwad Rafique Malik
Jawwad Rafique Malik
 Chairman
 National Highway Authority
 Islamabad

Sikandar Rashid
SIKANDAR RASHID
 Advocate
 Supreme Court of Pakistan

IN THE SUPREME COURT OF PAKISTAN, ISLAMABAD
(Original Jurisdiction)

Most Urgent

To,

1. The Attorney General for Pakistan, Islamabad.
2. The Advocate General, Islamabad.
3. The Secretary, M/o Communication, Islamabad.
4. The Chief Secretary, KPK, Peshawar C/o AR(Peshawar)
5. The Chairman, NHA, Islamabad.

207/01
Illegal
CO

SUBJECT: HUMAN RIGHTS CASE No. 63505-K of 2018
IN THE MATTER REGARDING LOWARI TUNNEL PASSAGE.

Take notice that the matter was placed before the Hon'ble Chief Justice of Pakistan and his lordship has been pleased to order that the same be fixed in Court.

Take further notice that above noted Human Rights Case stands fixed for hearing before the Court on **11.01.2019**, at 09.00 a.m. or soon thereafter as may be convenient to the Court in the Court House at Islamabad. You are therefore, required to appear before the Court on the date and time fixed accordingly.

Islamabad: 3rd January, 2019

(Sr. Court Associate)
(Human Rights Cell)
Phone: 051-9203557
Fax:-051-9219516

Handwritten: S-R Assistant
S.A.S.S.H.

Handwritten: Intim to GM (LTA)
& Consultant (Law) - HQ to
appear along with office.

Handwritten: DD(L) - HQ.

Handwritten: M. Hussain

Handwritten: SIKANDAR RASHID
Advocate
Supreme Court of Pakistan

PS to Chairman

Diary No. 117
Dated 7/1/19

Legal Bureau No. S2
Diary No. S2
Date 7-1-19

IN THE SUPREME COURT OF PAKISTAN, ISLAMABAD

(Original Jurisdiction)

Most Urgent

20

To,

1. The Attorney General for Pakistan, Islamabad.
2. The Advocate General, Islamabad.
3. The Secretary, M/o Communication, Islamabad.
4. The Chief Secretary, KPK, Peshawar C/o AR(Peshawar)
5. The Chairman, NHA, Islamabad.


**SUBJECT: HUMAN RIGHTS CASE No. 63505-K of 2018
IN THE MATTER REGARDING LOWARI TUNNEL PASSAGE.**

Take notice that the above noted case came up for hearing before the Court on **11.01.2019** and while disposing of the case, following order was passed:-

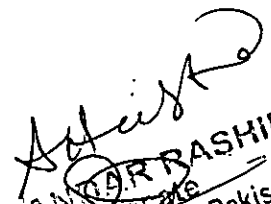
"As per the report the indicated grievance about the hours of operation of the tunnel have been regulated. In the circumstances, we do not find this matter needs to be kept pending for the time being which is accordingly disposed of in view of the report. However, if the report is not adhered to, the matter may be resurrected."

You are, therefore, required to ensure compliance on your part of the above reproduced Court Order in letter & spirit.

Islamabad: 14th January, 2019


(Sr. Court Associate)
(Human Rights Cell)
Phone: 051-9203557
Fax:-051-9219516

GM LTP & 17/01
Dr. Azeem


SHIKANDAR RASHID
Associate
Supreme Court of Pakistan

CO TO CHAIRMAN
Dary No. 378
17/1/19

No. 4/33
Date 18-1-19



NATIONAL HIGHWAY AUTHORITY

LOWARI TUNNEL PROJECT

28 Mauve Area, G-9/I, Islamabad ☎ 051-9032-618, ☎ 051-9106245

ltpnha@gmail.com

No. 1(17)/GM (LTP)/NHA/18/959

Islamabad 25th September, 2018


Secretary,
Ministry of Communications,
Islamabad.

Subject: **NOTICE BY HONORABLE CHIEF JUSTICE OF PAKISTAN ON
CLOSURE OF LOWARI TUNNEL**

The honorable Chief Justice of Pakistan, Mr. Saqib Nisar had visited, Lowari Tunnel Project and taken notice of an application placed before his lordship. (Copy of the HR application No.63505-K/2018 is enclosed at **Annex-A**). The residents of Chitral valley had requested to open the tunnel round the clock during soft operation of tunnel. Pursuant to which, Supreme Court of Pakistan had directed to provide comments/report on soft/temporary operation of Lowari Tunnel.

2. In this regard, National Highway Authority is submitting a detailed report, enclosed at **Annex-B**, regarding the soft operation of tunnel for your kind consideration and onward submission to Supreme Court of Pakistan through your good office, please.


(Jawad Rafique Malik)
Chairman NHA

o/c

SIKANDAR RASHID
Justice
Supreme Court of Pakistan

22

**IN THE COURT OF HIDAYAT ULLAH KHAN DISTRICT &
SESSIONS JUDGE/JUDGE CONSUMER COURT, CHITRAL.**

Complaint #75-CPC/2019,
Date of institution: 23-05-2019,
Date of Decision: 06-08-2019.

Assistant Director Consumer Protection Council, Chitral.
(Complainant)

VERSUS

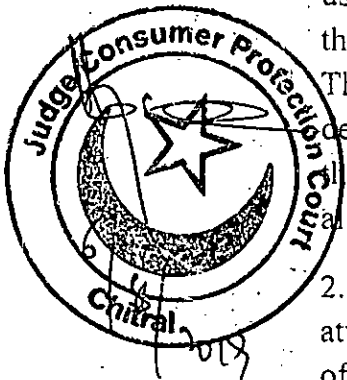
1. National Highways Authority through incharge lowari Tunnel.
2. Security Personnel through their respective incharge Lowari tunnel.
(Respondents)

**COMPLAINT AGAINST NHA LOWARI TUNNEL AND
SECURITY PERSONNEL DEPLOYED AT LOWARI TUNNEL
FOR CREATING OBSTACLES IN THE FREE PASSAGE OF
PASSENGERS.**

JUDGMENT.

This complaint has been filed by the complainant alleging that the public commuters are being denied free passage to use the lowari tunnel and are being stopped on reaching the entry point despite of the fact that the tunnel which has already been completed is a two way carriage road; that the vehicles remains parked on the road side for hours until sufficient number of vehicles park in a long queue. That the tunnel has a double road and is mostly used as two way traffic by dignitaries but the general public is denied the facility of two way traffic due which the general public suffers. That the right of passengers as consumers is being violated for denying them the right of free passage a service which is meant for all the public equitably. He seeks a direction to the respondents to freely allow the general public in using the tunnel without any hindrance.

2. Notice was issued to the respondents. Respondent No,1/NHA attended through Mohammad Farid Khan Deputy chief operating officer/in charge Lowari tunnel and submitted reply.
3. Parties were heard in person and record perused.
4. The Lowari tunnel which is the sole communication facility for public transport situated at the entry point of district Chitral. This is the major dream of people of Chitral which has become true. Even when this dream has become true the general public are deprived of its true fruits to pass through it without any further sufferings. The public transport is being stopped at both ends of the tunnel and one way traffic is allowed after making queue of the vehicles. In this practice



Attested

[Signature]
Registrar
District & Session Judge
Consumer Court Chitral

18

18




the commuters at both ends wait for hours and in this manner the passengers pass through great agony and torture. Besides that the security personnel deployed at both end of the tunnel also interferes in the free moment of the public transport. The basic duty of monitoring/management of the transport rests with NHA and the security staff has nothing to do in regulating the transport and their only duty is to maintain law and order. The tunnel has a two way road and there is no reason to allow one way traffic and keep the other way traffic on waiting for hours, however in case of emergency it is the respondent No1 to regulate the traffic. To avoid accidents it is also the duty of respondent No1 to disallow mechanically defective vehicles to pass through the tunnel. To maintain the smooth flow of the light vehicles the respondent No1 shall also regulate the flow of heavy vehicles.

5. Resultantly while allowing this complaint it is directed to the respondent No1 to allow two way traffic. The management with respect to flow of traffic is the primary duty of respondent No1 and respondent No2 is directed to refrain from assuming the role of respondent no1 as their only duty is to maintain law and order in the area.

6. A copy of this order be sent to respondents for compliance forth with and to General manager LTP, NHA HQ Islamabad, and Project Manager LTP Dir upper as well as to the DPOs and Deputy commissioners of Chitral and Dir upper and to Commandant Dir and Chitral scouts for their information. File be consigned to record room after completion and compilation.


Announced.


HIDAYAT ULLAH KHAN,
Judge consumer court, 6/8/2018
Chitral

CERTIFICATE:

Certified that my this judgment consists of two page, which have been checked, corrected where necessary and signed by me.




HIDAYAT ULLAH KHAN,
Judge consumer court,
Chitral. 6/8/2018

Attested
Registrar
District & Sec.
Consumer Court Chitral
Judge