

**RESEARCH PAPER****Trucking Industry in Pakistan and Contemporary Challenges: An Overview****¹Iqra Tariq, ² Dr. Sardar M.A. Waqar Khan Arif* and ³Sardar Yasir Baig**

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***Corresponding Author:** sardarwaqarkhan@gmail.com**ABSTRACT**

This work focuses on analysis of legal framework of trucking Industry and contemporary challenges in Pakistan. It discusses the road safety laws and relevant legal framework in Pakistan along with truck companies and their liability. As Trucking industry is central to country's development, the objective is to analyze it from legal perspective. Contemporary Challenges for Trucking Industry in Pakistan includes: Improper Maintenance and Fitness Certification of Trucks, externalities, long working hours of drivers, overloading, and implementation of laws. It concludes and recommends that Pakistan should further improve trucking industry. The methodology for this paper is qualitative and an analytical method is followed.

KEYWORDS: Challenges, Economy, Legal Framework, Pakistan, Trucking Industry**Introduction**

The trucking industry play a vital role to the health of economy. If the trucking industry stops, the nation stops. If the trucks stop, various industries will be critically affected within one day. Almost all area of the economy depends on trucks to transfer their commodities. It starts with transport of raw material such as wood and bricks from one place and transports them to another place. Once these constructors turn out an ended product, they are transfer through truck to their end point or a delivery area. This makes the trucking industry vital to health of the economy.

National Highways Safety Ordinance, (2000), Motor Vehicle Ordinance, (1965) and Motor Vehicle Rules, (1969) are essential laws which are directed in Pakistan to direct traffic on the road. The expanding transport requirement both for travelers and commodities. The cargoes give rise to severe questions of road safety and environmental security which are since a challenge for traffic policy makers, transport corporations including private fleet operators and, above all, for the vehicle manufacturers. Thus it is additionally mandatory for the Body Fabricators to change and adjust to the genuinely necessary change without on fundamental least requirement of safety comfort and safe load handling with and carrying (Balouch, 2015).

Literature Review**Trucking Industry: An Overview**

Firms in truck transportation gives a connection between producer and customer. Business organizations contract with trucking companies to get, transport, and delivery of goods. Local trucks deliver the products within a single metropolitan region and its contiguous nonurban regions. Long distance trucks deliver the goods between far

off zones. The work of local trucking firms varies with the products transported. Produce truckers usually pick up loaded trucks early in the morning and spend the rest of the day delivering produce.

This industry area also includes the transportation of household, institutional, and commercial furniture for individuals or companies that are transferring. Many goods are carried using intermodal transportation to save time and money. Intermodal transportation incorporates any combination of transportation by truck, train, plane, or ship. Typically, trucks perform at least one leg of the trip, since they are the most flexible mode of transport. Some transitory and time-sensitive goods may be transported via air, they are usually picked up and delivered by trucks.

Trucking Industry in Pakistan

Trucking handles over 90 percent of the cargo transport in Pakistan. The trucking segment transport 96 percent of the aggregate cargo traffic. While there are 216,119 enlisted trucks, the Government of Pakistan appraises that just 200,500 of these (93 percent) work on the road. Almost 65-70 percent of the aggregate truck fleet comprises of single-or twofold axel trucks. The trucking industry is described by the presence of a small fleet of proprietors who usually possess less than five vehicles. The more significant part of trucking organizations is focused on the port city of Karachi, where one ethnic group rules the trucking (Batool, 2012).

The truck industry is a very mature industry, characterize by low hindrances to entry, numerous small administrators, and low cargo rates. To keep up high incomes, trucks are over-burden, which destroy the road quality and increase the demand for higher road investment. The absence of authorization of controls on protected activity, crew hours, truck alteration, and trailer raise the danger of accidents (Faraji and Zhang Qingping. 2014).

It is estimated that 30% of the two, three axle trucks are over-burden while 40% of 4, 5 and six hub trucks are over-burden. The more significant part of the trucks utilized in cargo transport is over 30 years of age. The release of gases because of poor fuel type and quality, roads decay because of higher axle loads is imposing huge infrastructure maintenance cost. Long working long stretches of drivers, Continuous driving without appropriate breaks, Improper relaxation facilities for stopovers, illegal practices and infringements along expressway at spots cause the accidents of trucks.

Research Methodology

The research methodology is qualitative, and an analytical method is followed.

Results and Discussion

Contemporary Challenges for Trucking Industry in Pakistan

There are numerous issues of the trucking industry in Pakistan, which cause genuine road accidents. These road accidents cause loss of cargo and individuals. The primary causes of accidents are given below:

Over Loading

Over-burden and improperly loaded trucks were an essential factor leading accidents on the expressways and motorways. Over-burden trucks represented a severe threat as they tended to free control particularly among an attempt to stay away from any crash with roadside creatures. The presence of overloaded truck on the roadway reflects

accidents. The over-burden trucks on the have turned into the primary source of accidents because of infringement of traffic principles and driving on the wrong sides. Over-burden trucks represented an extreme risk as they tended to lose control particularly during an attempt to evade any crash with little vehicles (Batool. 2012).

National Highway Authority is implementing "Axle Overload Control Regime" as per National Highway Safety Ordinance (NHSO 2000) to control untimely disintegration of National Highways caused by overwhelming over-burden traffic. National Highway Authority plans to control over-burdening to secure the National Highways and simultaneously ensure even completion between role players in the transport industry. To accomplish this objective, automated weigh stations have been built up at different places on the national highway network. Past research has appeared expanding the over-burdening of trucks and the absence of the strict usage of laws and regulations has led to cause serious accidents to the highways in Pakistan.

It has ultimately led to an increase in maintenance account, which has been an issue of apprehension for transport organization in Pakistan. Besides, the comparison between truck axle loads regulations in Pakistan with some other countries like the USA has revealed that have higher limits of truck axle loads are executed in Pakistan despite the operation of old trucks. A review of axle load management regime program by NHA revealed that serious efforts had been taken to lessen the overloading practice. However, the implementation of this regime has been superseded due to political pressures developed by transporters (Pakistan Labor Institute of Research and Education, 2016).

The road has only two paths, one constantly controlled by trucks and stacked vehicles, while the other for the lightweight vehicles. In any case, trucks, in an offer to surpass one another, move to the second path as well, constraining the small vehicle drivers to slow down. It makes freeze among the drivers who attempt to surpass the trucks from the wrong side, increasing the chance of accidents. Traffic police are just ever observed in this area of the highway.

Improper Maintenance and Fitness Certification of Trucks

Truck companies are responsible for requiring their drivers to equip their vehicles rightfully. In Pakistan truck proprietor or the board, the organization is not willing to invest the energy or cash to plan the expert examinations. It is just a short time before a truck maintenance accidents happen (Marath, 2016). The vehicle maker shares responsibilities in the maintenance of a truck's braking mechanism. If a truck's brakes, notwithstanding when kept in good condition. The duty regarding this maintenance does not fall to the truck driver alone. While a driver is lawfully required to assess his vehicle every day to ensure it is in good working condition.

Long Working Hours of Drivers

Road Transport Workers Ordinance, 1961, was authorized to control the long hours of work and different condition of work of road transport specialists. The Ordinance stipulates a break of at least of 30 minutes following five hours of driving, limits add up to driving time to 8 hours out of per day and 48 hours out of every week, and allow for at least 24 hours of rest in seven days. The Ordinance was amended in 1974, and the West Pakistan Industrial and Commercial Employment Ordinance 1968 was made to apply to each road transport administrations. The enactment, exclude the transport specialists working in unregistered small and microscale ventures. Private transport organizations with greater fleet avoid this law through different components contrived in connivance with administrative experts. Regardless, transport laborers, because of proficiency and data deficiencies, stay uninformed of both national laws and international laws (Marath, 2014).

One of the extreme pressure experienced by the road freight industry is the skill deficiency and absence of sufficiently trained and skillful workforce in a wide scope of controls. The technical training structures are insufficient and do not ensure the supply of skillful experts. The executives training for supervisors in road transport is insufficient.

Inadequate Laws on Trucking Industry

An acquaintance of new enactments to deal with traffic difficulties can secure the lives, but in our view, the real issue is a violation of laws by the drivers that can tend to through effective enforcement. Every implementation of traffic law can decrease the quantity of violation and help in instructing a superior traffic sense among the road clients. It is an established practice that strict and effective implementation of traffic laws, rules and regulations can expedite discipline on the road and only fear of substantial fines can compel a constant breach of traffic rules to restrained, such practices. The basic role of the implementation is to influence everybody to follow the laws.

Besides, implementation of traffic rules on highways is by far most antagonistic issue as far as road safety is concerned. If every minor infraction of the law is thoroughly upheld by the State, then everybody begins to feel being tyrannized and inverse terms. If these laws are not entirely implemented, it will disintegrate road culture raise the road accidents. Deficient laws on trucking organizations are the primary reason for street mishaps (Imran, 2009).

Implementation of Laws

National Highways Safety Ordinance-2000, Motor Vehicle Ordinance 1965 and Motor Vehicle Rules 1969 are well-known laws which are authorized in Pakistan to manage traffic on roads. However, none of these laws executed completely. The NHSO enacted in the year 2000; however, rules under this ordinance have not yet been framed. Motor vehicle Ordinance and the Motor Vehicle Rule are for the most part concerned revenue collection, but least with road security. These laws have become outmoded now and need effective reframing. Fine amount against breach of traffic rules has not been modified for the last twenty years. This low amount of fine is leaving a negative impact on the effort of law implementing organizations and required instant modification (WHO, 2011). The performance of any law administration agency is judged by some bounty tickets issued every day or number of bounty tickets against a specific infringement rather than a decrease in violation or improvement in road discipline.

The officers are remunerated based on the number of traffic challans instead of the nature of implementation of traffic law. The absence of consistency in the traffic laws implementation policy is another restricting component. Defilement by traffic police particularly in urban communities and on nearby roads is not a hidden spectacle. Police officers take influence and overlook infringement, or they permit transgression under their command. Taking favorable circumstances of their position many police officers have presented their transport service independently or with an accomplice. Their drivers infringe roads pleasantly with the abetment of their lords (Klair, 2015).

Personnel and Staffing

One of the extreme compression experienced by the road cargo industry is the aptitudes deficiency and absence of sufficiently prepared and able workforce in a wide scope of orders. The specialized training structures are lathe king and does not guarantee the supply of skilled professionals in the automobile trade. The managing skill for directors in road transport is ineffectual. There is additionally a developing concern about the inadequacy of the driver training frameworks and organizations. That results in an

inability to supply an adequate number of trained, mature age (25 - 40 years of age) drivers who are the normal contender for work as drivers.

Externalities

The externalities related to road cargo transport include traffic blockage in the main city areas, and rising overwhelming vehicle accident rates in urban communities, and on principle national road passages. These externalities are mostly caused by, the obstruction for street space and deficient control of working principles in the trucking business. Different elements include driving hours, driver training, and control of speed and loads. Heavy goods vehicle exhaust discharges are the reason for air contamination in urban areas, and car influxes and blocked roads further exasperate this circumstance (Nazir and Nadeem, 2016).

Legislative Regime on Road Transport in Pakistan

Going through the legislative regime in Pakistan on road transport, the laws passed is respect seen to be very insufficient and inadequate. National Highways Safety Ordinance-2000, Motor Vehicle ordinance 1965 and Motor Vehicle Rules 1969 are public laws which are enacted in Pakistan to regulate traffic on roads. There is no specific legal regime which deals the truck industries independently in Pakistan.

Motor Vehicle Ordinance, 1965

Motor vehicle Ordinance 1965 is a conspicuous law that deals with traffic within the city. Licensing, registration and vehicle wellness and development and maintenance done under the Motor Vehicle Ordinance 1965. The Motor Vehicle Ordinance has a many impediments. This law neglects the issues of licensing, point infringement and ticketing frameworks, speed breaking points and real infringement punishments. This law also neglects the issue of liability at the time of accidents. This law presents a terrible picture with regards to trucking organizations. At present, there is an enormous number of cases identified with truck organizations in Pakistan. These trucks accidents are a danger to road security.

The issue of obligation emerges at the term of mishaps. Companies generally evade from their liabilities and put the burden on the driver based on negligent entrustment. In the same way drivers of goods transport vehicles connect all of their infringement with the load on the vehicle and repay fine police cash from dealer or transporter. Transporters had effectively incorporated this, fine amount in the toll paid by brokers. The fine amount added to the cost of products and clients' needs to pay it in due course. Motor vehicle Ordinance 1965 does not formulate any provisions concerning this issue. It is for the most part concerned about tax accumulation least with road security. These laws have turned out to be obsolete now and need a methodical reframing. There is a need to change the principles concerning vehicles design and need to implement. Proper supervising measures also need to produced and implemented for private driving training institutions. These organizations should be registered with regulatory authorities.

Motor Vehicle rule, 1969

Motor Vehicle law 1965 and in supersession of Punjab Motor Vehicles rule 1940, the North West Frontier Motor Vehicle Rule 1940 and Government of West Pakistan, sixth December 1968 make the standard concerning the road transport (Masood and Khan, 2011). This law gives little changes in Motor Vehicle Ordinance 1965. Generally, it also deals with the registration and licensing of a motor vehicle. Conventional old methods of

law implementation are being utilized to direct traffic of the 21st century. There is no such arrangement concerning large transport enterprises.

National Highway Safety Ordinance, 2000

The National Highway Safety Ordinance authorized in September 2000 has given the right premise to set up the National Highway and Motorway Police (NH&MP) Force under the Federal Ministry of Communications. This increase the role of the effective Motorway Police to the National Highway System, in a staged way. The NH&MP is likewise setting up an Accident Recording Center, an Accident Evaluation Laboratory, and a Police Officers Training wing. The Ordinance additionally incorporates overhauled legal axle load limits for business vehicles and gives the proper lawful system to axle load enforcement.

National Highway Authority is recently set up a system of 15 checkpoints across the country. It has started a staged program for implementation of legal axle load on the network, related to public awareness and instruction crusade. The NHSO enacted in the year 2000, but rules under this law have not yet been framed. The National Highways Safety Ordinance, 2000 to accommodate safe driving on the national expressways. It is convenient to accommodate safe driving on the public roadways and for issues related to in addition to that or accidents. The said law gives a complete body to its implements. The arrangements of National highway safety Ordinance 2000 characterize the heavy transport vehicle under section 18. According to this section "Heavy transport vehicle implies a vehicle, the registered axle load of which surpasses five thousand kilograms, or the registered laden load of which surpasses six thousand five hundred kilograms". The said enactment gives the great picture concerning the registration, license, and maintenance of the vehicle. A vehicle enlisted under this Ordinance will carry an endorsement of fitness issued by a recommended specialist. If enlistment of vehicle finish under the provisions of this Ordinance, the vehicle will be under the restrictive control of Government.

The provision concerning speed limits and weight limits have been made under said law. As indicated by these arrangements the Government or any office approved may, on a report from the National Highways and Pakistan Motorway Police restrict the speed limits of engine vehicles for public interest and safety, or convenience or because of nature of any road or extension fix such lower speed limit as it thinks fit. The Government may prescribe conditions for the issue of licenses for substantial transport vehicles and may deny or prohibit the utilization of such vehicles in any zone or course. This enactment also gives the standard concerning the parking and halting station of the vehicle.

National Highway Safety Ordinance 2000 enables to police in uniform to expel, in the prescribed manner, any motorcycle, animal-drawn vehicle any bike parked or remaining in a position or at a place which may impede or make threat other street clients. For road safety and avoid mishaps, the said enactment forced the obligation on drivers to comply with the traffic signals.

It also defines the duties of the driver at the time of accidents or injuries. It also characterize the offense and punishments. Offenses might be identified with driving at excessive speed driving rashly and perilously, driving affected by liquor or medications, driving when rationally unfit, hustling and trail speed. Some different offenses identified with over-burden, mishaps, the rebellion of traffic rules.

Section 87 of said enactment give the guidelines concerning criminal liability and remuneration. According to this section, "If an individual die, or damage to this individual or harm to his property because of the utilization of a road vehicle on a national highway,

the insurance agency, or all things considered, the Pakistan Transporters Mutual Assistance Co-agent Society, the Pakistan Automobile Association, or some other road transport co-agent society and in the event that the vehicle is not covered by any of the above insurer, the proprietor of such vehicle will pay such remuneration as might be recommended by the Government. In the case of death, the compensation will be payable to the legal beneficiaries of the expired individual or on account of damage to individual or harm to the property, to the individual who endured the damage or harm, within thirty days of the mishap”.

However, the said legislation provides no provision regarding truck companies. How truck companies evade from their liabilities. This law also provides a very dark picture regarding the liability of driver and companies at the time of accidents. Furthermore, no procedure to take action against the truck companies which violate the regulations of NHSO.

Conclusion

In above all discussion, it is concluded that old conventional modes of law implementation are being used to control traffic of the 21st century. The consciousness of law is important for effective implementation of any public law. Unfortunately, Pakistan’s commuters have the least understanding of laws dealing the traffic on roads owing to some reasons. It becomes a challenge for police to enforce traffic laws when the majority of commuters are ignorant of the law. Execution by police is frequently started reactively against the violation of the law. Minor traffic violations are unnoticed due to the absence of a practical approach in the start. Afterward, the road user claims these unnoticed violations their due right and resist dynamically when law imposing agencies try to impose appropriate law. National Highways Safety Ordinance-2000 (NHSO 2000), Motor Vehicle Ordinance 1965 (MVO 1965) and Motor Vehicle Rule 1969 (MVR 1969) are well-known laws which are ratified in Pakistan to control traffic on roads. However, none of these laws are executed absolutely. The NHSO enacted in the year 2000, however, controls under this statute have not yet been surrounded. MVO and the MVR are generally worried about revenue collection however minimum with street security. These laws have turned out to be obsolete now and need a deliberate reframing. Fine amount against criminal traffic offenses has not modified for twenty years. This low amount of fine is leaving a negative effect on the exertion of law upholding offices and requirements speedy amendments. Traffic law implementing agencies were given specific pay impetus in perspective of their difficult duties. A few years back the government has withdrawn this economic enticement. Resultantly, the value of law implementation is affected severely. The disgrace in the competence of motorway police is also attributed to this bad government strategy. Traffic administration duty on highways is highly repetitious and police officers after some years become a victim of this tediousness. They enforce the law with down shoulders considering it a vain exertion. The absence of consistency in the traffic laws implementation strategy is another limiting factor. In general, strategies accompany the manager and are wrapped up as he leaves the workplace. For the compelling implementation of the law, arrangement ought to be basic and dynamic.

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