

SCHOOL BUSES – ACCIDENTS (02/04/15)

The Leader of the Opposition (Mr P. Bérenger) (*by Private Notice*) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the school buses, he will state the number thereof involved in accidents since 2013 to date, on a yearly basis, indicating –

(a) the number of cases of injuries sustained in the course thereof and regarding the recent accident in which student K. P. was killed, indicate –

(i) if the school bus driver was arrested and the bus examined, and

(ii) at the material time, regarding the said bus –

A. if any conductor was on duty;

B. the number of students who were present therein, and

C. whether the doors were secured, and

(b) the number of school buses presently in operation, indicating the number thereof which are over 16 years old.

Mr Bodha: Madam Speaker, I wish to thank the hon. Leader of the Opposition for having put this question which is of a national utmost importance. I think that today we have a system which is not safe and which is not accountable and time has come to review the whole system. There has been a very sad tragedy. One tragedy is more than what we should have and I have personally presented our sympathy to the parents. We need today - it is more than compelling - to find a solution to this national issue which is costing Government Rs800 m. per year. The public transport system costs Rs1.2 billion and for the students, it is Rs800 m.

Madam Speaker, regarding part (a) of the question I am informed that, at to date, a total number of nine accidents involving school buses have been reported to the Police and eight students have been injured in these accidents as detailed hereunder -

Year	No. of Accidents	No of Injuries
2013	6	6
2014	2	2
2015	1	1 fatal

Madam Speaker, regarding part (a) (i) of the question, I am informed by the Police that on Monday 23 March at 16.40 hours, Mr V. S., driver of the bus involved in the accident in which student K. P. sustained serious injuries, gave a statement at the Rose Belle Police Station. That is the statement of the driver. He reported that, on the same day, at 15.00 hours he was performing a trip and conveying students of Hindu Girls and Dunputh Lallah Colleges from Curepipe to their place of residence in the south. On reaching the vicinity of Patisserie Sylvestre at Union Park he was informed by some of students in the bus that one student has jumped from the bus through the rear emergency door some 500 metres behind and which he did not notice. That was his report.

I am further informed that the victim was taken by volunteers to Jawaharlal Nehru Hospital for treatment. As regard the driver of the bus, an alcohol test was carried out and was found to be negative. On the same day, his statement of defence was recorded in the presence of his lawyer and was released on parole. Subsequently, on 25 March 2015, a provisional plaint of “Involuntary wounds and blows by imprudence” was lodged against the driver before the District Magistrate of Grand Port Court and he was released on bail upon furnishing a surety of Rs5000 and a recognizance of Rs50,000.

On 31 March 2015 the driver was arrested anew - that was after the death of the student - and brought before the District Magistrate of Grand Port Court on a provisional plaint of “involuntary homicide” and he has been released on bail upon furnishing a surety of Rs20,000 and his first provisional was consequently struck out. The bus was examined by both the Police and the officers of the National Transport Authority. I am informed that there were 73 passengers (60 sitting and 13 standing) on the bus and there was no conductor on duty at the material time.

Madam Speaker, as regards part (a) (ii) of the question, I am informed that an investigation is going on by the Police. However, according to reports from the Police it has been found that the security system was out of order. The investigation is being carried out to know how the accident occurred.

Madam Speaker, I wish to inform the House that soon after the accident, a committee was set up at the level of my Ministry to look into the immediate measures that could be taken to address the safety issues related to school buses.

According to current legislation the authorised number of students on- board school buses are as follows -

(i) three students are allowed to occupy seats providing for a seating capacity of two passengers, that is 3 out of 2, and

(ii) four students are allowed to occupy seats providing for a seating capacity of three.

In view thereof, buses were allowed to transport up to 80 students. However, in May 2013 the National Transport Authority decided to limit the number of students in school buses to a maximum of 75. The number was inserted on the Certificate of Fitness of each bus with a view to ensuring that the insurance policy covered all 75 students.

With a view to reinforcing the security measures on board school buses, my Ministry has now decided that henceforth all buses providing school services will convey students strictly as per the authorised seating capacity of the buses and no more. To that effect, the provisions of the Road Traffic Regulations of 1954 will be accordingly amended. The committee has also recommended that henceforth the presence of a conductor will be mandatory in all buses.

Furthermore, the legislation now in force requires that the emergency doors of all motor buses will be equipped with an audible alarm system connected to the driver's cabin in order to warn the driver in case the door is not properly closed. New buses licensed as from August 2010 have been fitted with the alarm system. The committee has recommended that this alarm system will be fitted to all buses used in the public transport.

To ensure compliance with the provisions of the law relating to transport of students, the NTA and the Police will step up enforcement and take such action as may be necessary in the event any bus owner or bus crew is found to contravene any of these provisions.

Madam Speaker, besides legal enforcement measures, working sessions will be held with the Ministry of Education and Human Resources, Tertiary Education and Scientific Research – I have talked to my colleague - and School Managers to discuss all possible measures to ensure that students travel to and from school in the most convenient and safe manner. Possibility to have school officials appointed to maintain order among students when boarding buses and to ensure that there is no overloading will be considered. In fact, we are thinking of one person dedicated by the PTA to see to it that all the students take the buses properly and in proper conditions before leaving the school premises because the children are under the responsibility of the schools and the institutions whilst they have not yet boarded the buses.

I have also decided, Madam Speaker, that a dedicated unit of the NTA will, henceforth, deal with this transport of students' problem. Today, Madam Speaker, we do not know how many buses went to the schools, how many drivers were there, how many conductors were there, how many students were there in each bus and yet, we are paying at the end of the month. So, we have decided that, henceforth, each bus will have to send back to the NTA, on a daily basis, the number, the name of the driver, the name of the

conductor, the number of students carried out so that we will have a daily record of the number of buses and who is travelling from one place to the other.

The second thing is that we are working with the institutions or the schools so that dedicated persons who will help the students board the buses will also have a record of which bus, which conductor, which driver and the number of students travelling in that bus. Then, we can have checks and balances as to the number of students travelling in each bus and under whose responsibility the students were.

In a wider perspective, to review school bus services my Ministry proposes to come up with proposals to have a completely dedicated fleet which will be limited to transport of students. These buses will be equipped with video cameras to monitor the whole operation while students are being transported because there is a huge problem of discipline aboard the buses. In fact, it is a problem involving the institutions, the authorities, the parents and the students themselves. And I must say, Madam Speaker, that I have gone through what is being done elsewhere and I have read about the Canadian system. Buses are designed in Canada for the transport of children because they are considered to be vulnerable and they have to be transported in the best and the safest manners and there are a number of regulations which have been imposed. The driver, in fact, has the authority of the teacher in the bus, by law. So, there should be a sense of responsibility at all levels. A safe and secure transportation will also be applied with combined efforts of educational institutions, bus operators, students and parents.

Madam Speaker, the number of buses over the age of 16 - today, we have 10% of our fleet, that is about 200 buses which are above 16 years old and we still do not have the breakdown of the number of buses over 16 which are used every day. But if we were to say that 10% of the buses are over 16, it would mean that every day, in the morning, 450 buses are used for students and almost 600 buses are used in the afternoon. As you know, some students are brought in by their parents and they leave by the school bus. I would presume that out of the 189 buses which are over 16 years old, about 10% is being used every day. So, that would mean that it would be about 20 buses. Many of them are NTC buses, in fact. These buses, I have been told, are being dedicated for schoolchildren, that is, they are being used for the transport of children in the morning and in the afternoon and the drivers also have just that responsibility. But as we are going to renew the fleet of the CNT soon, we will scrap this at the level of the CNT, but we are going to see to it that no bus over 16 years are being used for the schoolchildren.

Mr Bérenger: Madam Speaker, if I can start with the last part of my question, but before that, you will allow me to renew the expression of our sympathy to the family concerned. So, we do not have a figure of how many buses above 16 years old are used to convey students to and from schools. We do not have that figure?

Mr Bodha: That's what I am saying. We do not have the number of buses over 16, we do not have the number of actual buses on a daily basis and we do not have the number of actual students. Now, we are putting a system which will give us a record on a daily basis at the NTA, of the number of buses, what are the buses, who are the conductors and who are the drivers. This will allow us to know what are the buses that are involved in the morning which are over 16 years. Madam Speaker, we have 15 days - because tomorrow is the Easter holidays - to come up with a new system with emergency measures which will come in force at the next semester.

Mr Bérenger: I am sure the hon. Minister will remember - he was in the Opposition then with us - that at one time, the Ministry and the CNT reserved the buses that were no longer allowed to travel on normal route with normal passengers for students transport. All the old buses that were no longer allowed to take passengers, we managed to stop that. But now, is the Minister telling us that it is only now that he knows that these buses, more than 16 years old, are being given in priority to convey students?

Mr Bodha: No, no. There are a few buses which are dedicated for the school transport and they are over 16 years. But most of the other students, in fact, take the dedicated buses or normal buses.

Mr Bérenger: I put my question again. How many buses conveying students are over 16 years old?

Mr Bodha: We do not have the exact figure and what we can say is about 10%. We have about 10% of 200; that would be about 20 buses. Most of them are CNT buses. But what I have asked them is to see to it that the buses are in good condition. Up and until in a few months, we are going to have new buses at the CNT and this system will be scrapped totally.

Mr Bérenger: If we can move on, Madam Speaker, to the accident itself. In the report which this driver gave - from what I understand, on the same day, immediately after the accident - is he arguing that he did not hear? Because my information is from the moment that young girl fell off the bus, all the students were shouting and making noises. He did not stop until I don't know how many bus stops later on. Is he arguing that he did not know that that child fell off the bus?

Mr Bodha: The hon. Leader of the Opposition is right! This is what the driver reported. But, I have talked to a number of people and there is a report also about the volunteer who took the poor student to the hospital and he said that he was driving behind and the door opened and the student fell. The driver himself is saying that he was informed 500 meters ahead. So, in fact, that is his version. But, the Police have recorded the other version and I personally believe what must have happened is that, at one point in time, the bus must have stopped, some of the students must have alighted and the door was not securely closed and the driver must have just sped without seeing what was happening behind. The door opened and the girl fell down. Because from my information, she fell at the back and the injuries sustained were the injuries at the back of the head.

Mr Bérenger: Then we have at least the Police has taken statements from the witness that helped that poor girl. Have statements been taken from the students who have been witnesses to that?

Mr Bodha: I have no such information, but the Police are carrying its investigation. We have the report of what the volunteer who took the student to hospital said. As regards the students, the investigation is still on and I think that the Police will question some of the students and see to it what were their version of what happened.

Mr Bérenger: From what I understand, Madam, he drove to the Police Station. Can I know what happened to the students who were on board? He drove to the Police Station, gave a statement, from what I understand, that he only realised that there was trouble and yet he put in his statement - from what the Minister has said - that she jumped.

Mr Bodha: Yes!

Mr Bérenger: But can I know the Police taking a statement from somebody like that, what was the action that the Police took immediately? Did they arrest the driver? Did they go on the spot immediately? What happened?

Mr Bodha: The information I have is that the Police recorded the statement and he was brought to Court the day after and there was a first provisional charge on the day after. It was when the student passed away that he was rearrested with a provisional charge of involuntary homicide and that was on 31 March.

Mr Bérenger: That is not my point. My point is: a very serious accident like that occurred; we are told that the driver drove to the Police Station. What happened to all those students that were on the bus? Secondly, when he made that kind of statement what did the Police do? Did they arrest him? Did they go on the spot immediately? What did they do?

Mr Bodha: From the information I have, the Police went to the spot and did examination of the vehicle. That is where they found out that the security system was not in order. As regards the students from the bus station, I have no information what happened. I believe that buses which must have come after must have found a solution to this so that they could reach their home.

Mr Bérenger: Is the Minister telling us, Madam, that this examination by these policemen immediately after it was reported is the only examination to which the bus was subjected?

Mr Bodha: There was an examination which was subjected by the NTA, but that was two days later and I do not agree at all with what was recorded because that was two days after. So, I think that I would go by the report of the Police which said that the security system was out of order. As regards the Police, I have been told that his defence was recorded in presence of his lawyer. So, that was the day after. The report of the NTA says that the emergency door was found to be locked and those devices were working, that was two days later. In my humble opinion, I would rather go with the report of the Police.

Mr Bérenger: Is the Minister telling us that it is only with the death of that student that he realises now, if I understood him rightly, that it is not mandatory for huge school buses with 70 students on-board to have an attendant whereas regulations already provide that small school vans have to have an attendant? Well, if that has gone on for so long, who is going to be taken to task?

Mr Bodha: What has happened so far, there was a law, but it was not respected. That is what I am saying is that the NTA now will have a dedicated unit just to cater for the transport of students with a record on a daily basis as to the number of vehicles, the driver, the conductor and the number of students who are being transported from one place to the other. That will be counterchecked by a dedicated person at the level of the institution. That is how, I think, we could be able to control it. In the meantime, I think, we are going to reduce the number of students travelling by the bus and we are also coming with a total overhaul of the system which is costing us Rs800 m. with 80 students travelling every day in all buses, with all drivers and that is totally a system which cannot continue.

Mr Bérenger: Again, that is not my point! My point is, when replying I think I heard the Minister - if I heard wrongly, correct me - say that it is now that it is going to be made mandatory that a conductor has to be on the bus. This is what I heard. Is that so? Whereas, as I said, in vans for years now, after pressure from us, it is in the regulations that it is mandatory to have an attendant.

Mr Bodha: The law is there, but the law has not been respected.

Madam Speaker: Hon. Mahomed!

Mr Mahomed: Thank you, Madam Speaker. I would like to suggest two issues since the Minister said that there is going to be a total review of the whole system which I think is high time. First of all, there is a problem about attitude on behalf of the bus conductors. They believe that the students are benefiting from a free transportation, free trip, and that they adopt a carefree attitude on one hand when, in fact, it is the taxpayers' money. The second point is that there is a mismatch between the morning bus and the afternoon bus because of students going to private tuition...

Madam Speaker: Hon. Mahomed, can you come with your question? We have got a time constraint!

Mr Mahomed: Can the hon. Minister assure the House that these two issues will be taken on board in the review?

Mr Bodha: All the issues will be taken on board. I think that we should put our heads together and I am very open to the suggestions from both sides of the House and from the other stakeholders. Because if we do not have the collaboration of all the stakeholders, the parents, the institutions, the NTA, the bus owners, bus drivers and conductors, we will not be able to have a sound and safe accountable system. I am very open to all the suggestions because I think we all agree that this system has to change. We cannot have 150,000 people travelling every day and spending Rs800 m. not having a system where we feel at home as parents that our children are being transported in the right manner.

Madam Speaker: Hon. Ameer Meea, you have got a question?

Mr Ameer Meea: Thank you, Madam Speaker. In his reply, the hon. Minister stated that a sum of Rs800 m. is being disbursed to bus companies for payment of free transport. But, is the hon. Minister aware that the Director of Audit has severely criticised the payment mechanism to bus owners for free transport? Therefore, can I ask the hon. Minister if he is considering to review the payment modality to private and public bus companies so that it is more effective and transparent?

Mr Bodha: We have been asking questions on the system. I asked, as Leader of the Opposition, the question in those days; it cost only Rs600 m. then. I think the hon. Member is totally right. We have to see to it that every cent which is being spent is spent properly in the safety of our children, because when we go on what is being done elsewhere it is clear that what has happened was a tragedy, and what is happening every day should not happen and should not continue to happen.

Mr Bhagwan: Can I know from the hon. Minister whether he has gone into the files? This is not the first case of such type of accident occurring where schoolchildren are being severely injured following the misconduct, I can say, of the bus conductors/drivers. So, can the hon. Minister have a review of all the pending cases and the case which has occurred? I know one case in my Constituency of a girl in Canot Village who suffered an accident - a girl of Aleemiah College - and the parents are having a lot of difficulties. Even the Police report has not yet been finalised up to now, and there is connivance with the bus company, at least, to know the truth. Can I ask the hon. Minister to have a dedicated desk at his Ministry to go into past accidents and review case-by-case, and to see where actions have not been taken and also help the poor families whose children have suffered severe injuries?

Mr Bodha: Madam Speaker, I can assure the hon. Member that this will be done.

Madam Speaker: Hon. Leader of the Opposition, can I know whether you have many more questions? Because I have got a long list of people who want to ask questions on this issue. Do you have many more questions? We have got five minutes.

Mr Berenger: No, I have one last.

Madam Speaker: One last! So, I can ask hon. Uteem to put his question then.

Mr Uteem: Thank you, Madam Speaker. The hon. Minister mentioned that the emergency door was working properly according to one report, and not working properly according to the Police. But doesn't the hon. Minister agree that emergency doors should be used only in emergencies and not every day by passengers, and that proper legislation should be introduced to see to it that any misuse of an emergency door should be punishable?

Mr Bodha: The hon. Member is right, Madam Speaker. That is why we are coming with the semi-low floor buses. We are going to impose them on the companies and on the private owners as well. Because there, the exit from the bus is in the middle and the emergency door can be used exceptionally in cases of emergency.

Mr Jhugroo: Is the hon. Minister aware that, despite several requests from many school rectors to the bus companies, because they have got above 100 students, they get only one bus? And in this bus, you have got more than 120 students every afternoon. So, will the hon. Minister consider to ask to these bus companies to review the number of buses provided to these secondary schools?

Mr Bodha: It is clear, Madam Speaker, that when we will reduce the authorised number of students, we'll need some more buses. But I think that the whole system has to be accountable. As I said, today we don't know in the morning what buses were used, who

were the drivers, who were the contractors, who were the students and how many travelled. And yet we are going to make the payment. If it is Rs 800 m. per year, it means that it is about Rs2 m. a day.

Mr Ganoo: Can the hon. Minister confirm whether the driver, when his attention was drawn to the fact that the girl had, unfortunately, fallen off the door whilst driving the bus, said that he would not stop because this is not his problem - *pas mo probleme sa?* Can the hon. Minister also explain to the House why was this bus not secured on the same day, which allowed the repairs to be effected when it was inspected two days afterwards? Why was this driver released? Because in such a state, the state of health of the victim is monitored, and unless she is out of danger the suspect is always detained by the Police until the victim is completely out of danger, which was not the case in this precise matter.

Mr Bodha: It wasn't the case, Madam Speaker. This is right. The driver did not stop; he continued. His version is saying that the students told him that somebody had fallen 500 metres behind. This is exactly what happened. As regards the security system, the Police made an examination of the security system of the vehicle and found out that it was out of order. The NTA did an examination two days later and it was in order. That's why I said that we have two reports. But I would believe that the report of the Police is what actually was the state of affairs.

Ms Sewocksingh: Is the hon. Minister aware that, apart from students, these school buses sometimes pick up members of the public? And also, sometimes not only girls or boys; there is a mixture. Both girls and boys are in the same bus, and sometimes there are more than 80 to 90 students in one bus with only a bus driver. Can the hon. Minister inform us if he is aware that there are not only girls or boys, but also members of the public in the buses?

Mr Bodha: Madam Speaker, we have dedicated buses going to each institution. But, then, you have a number of students who travel with the normal buses. So, I don't know whether the hon. Member is relating to dedicated buses or to the normal bus system where you have the students and you have the other passengers. But, anyway, I am going to look into the matter.

Mr Bérenger: I am sure the hon. Minister will agree with me that it is also very sad that it took this death for the whole thing to be reviewed and an emergency committee to be set up and so on. I congratulate him for that. The family is in despair. They feel that there has been complicity between the Police, the driver and maybe other people in the CNT. They do not know what is happening. So, can I request from the hon. Minister that both the Ministry and the Police – not the people involved in the incident – should keep that family informed as the enquiry progresses?

Mr Bodha: Well, as it happens, it's sad. My secretary is, in fact, the aunty of the girl who passed away. So, I have been talking to the parents regularly. I talked to the mother and, of course, the feeling of the parents is that something like this should not happen again. That is why I said that this was a very important question of national interest, and I think that we have to find a solution. We'll find some urgent solutions for the next 15 days and then come up with a whole overhauling of the system.

Thank you, Madam Speaker.

Madam Speaker: Time is over!