



RESEARCH PAPER

Barriers in Enforcement of Traffic Regulations and Risk-Taking Behaviour: A Study of Public Service Vehicle Drivers

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The current study explores certain barriers that impede enforcement of traffic regulations. The study analysed risk-taking behaviour of Public Service Vehicle (PSV) drivers working on intercity routes leading to and from Lahore. With qualitative methodology, the data were collected from stakeholders such as PSV drivers, Passengers, traffic personnel, representatives from travel companies, representatives from the organizations related to implementation of traffic regulations and those from rescue services. The data were collected through IDIs and FGDs with the stakeholders. The study pointed out that PSV drivers exhibited responsibility where they experienced enforcement of traffic regulation. Poor enforcement of traffic regulations, poor coordination among line departments, patronage of influential figures, and fatalistic attitude of PSV drivers contributed to the occurrence of RTCs. The study recommends that better use of technology, collaborative safety approach, establishment of integrated forum for the enforcement of traffic regulations, may reduce the occurrence of RTCs.

Introduction

Road Traffic Crashes (RTCs) are one of the rapidly growing concerning Pakistan. Around 40,000 people died and over 100,000 injured every year (Mir, 2013), though lot of cases go under reported (Kayani, 2014). The RTCs reported cases only by Punjab Emergency Service amounts to around 989 cases daily. (PES, 2020). The reason why RTCs are dubbed as a concern because it not only causes that harm in terms of injury, loss of life and material damage, but also deals a fatal blow to the gross domestic product (GDP) of the country. As per National Road Safety Strategy of Pakistan 2018-2030, the cost of RTCs to the economy has risen 3 to 5%, of GDP which comes to around 9 to 11 billion USD in 2020 which is huge loss for the

countries like Pakistan. But still RTCs are not being considered as a priority public health issue, despite many efforts made to improve the road safety situation in Pakistan.

Risky Driving Behaviour as main contributor to RTCs

The prevalence of such unfortunate incidents can be attributed significantly to risky driving behaviour of drivers. According to Sabey and Taylor (1980) who studied 2041 RTCs, found that in 95% of the cases, the behaviour of road users was mainly responsible. Iversen (2004) discovered that risky driving behaviour was the most prevailing cause of RTCs. Usually, crashes occur in situations where drivers violate the law deliberately. Actions such as ignoring traffic signals, over speeding, wrong overtaking, and driving under influence were noted as factors that aggravate RTCs. A study conducted by Jayatilleke, Poudel et al. (2010) revealed that amongst all the different types of vehicles on the road, commercial Public Service Vehicles (PSVs) were responsible for 53.5% of the traffic violations committed which is also supported by data in Pakistan as there was 234 % increase in PSVs crashes from 2013 to 2016 on Motorways (Ministry of Communications, 2018). This statistic is quite alarming as these vehicles only constitute a small proportion of the total registered vehicles.

Risky driving behaviour includes driving a vehicle without proper knowledge and training, being in possession of a driving license without having passed the required driving tests, driving additional hours and operating vehicles that have not been examined for road worthiness. Apart from that not wearing safety belts, using mobile phones while driving, disregarding line and lane signs, driving without caring for safety margins, aggressive driving and driving when drowsy or fatigued.

Poor enforcement of traffic regulations as main contributor to risky driving

Traffic laws enforcement is one of the most important tasks of the traffic police in the area of traffic road safety, which is preventive in nature which includes all actions taken to ensure compliance of traffic regulations. In the absence of effective and robust traffic enforcement system, PSV drivers violate traffic regulations mainly for economic benefits which may lead to RTCs. Ineffective traffic laws enforcement is mainly due to certain barriers quoted by different studies (Kayani, 2019, Tahir, 2018 and Batool, 2012) including lack of inter-agencies coordination, capacity issues of enforcement agencies, prevalent corruption and bribery in police, patronage culture in public transport, insufficient use of technology in traffic laws enforcement, procedural injustice and fatalistic attitudes among PSV drivers and general masses etc.

Literature Review

A report published by the WHO (2015) categorised Pakistan as a country that did not possess the adequate number of laws to account for all the key risk factors that may lead to RTCs. Motor Vehicle Ordinance (MVO), 1965 and the Motor Vehicle Rules (MVR), 1969 are the two sets of laws that are enacted in the province of Punjab. Although amendments to these laws are made as needed from time to time, these laws are outdated and ill equipped to handle the challenges that are presented today.

Another major hindrance to the enforcement of law in Pakistan is the influence that some individuals in society may hold over others due to their position (Islam, 2004). A patron-client system is prevalent in the Pakistani society. This system wrenches the control from the hands of the authorities and places it in the hands of certain individuals. This loss of control is what leads to an increase in violations of the law and may lead up to an increased volume of RTCs. The selective distribution of justice also plays a role in undermining the role of the police. Road users are aware of the fact that justice is not bestowed equally and thus, turn resentful towards the law and adopt a neglectful disregard for it.

The studies conducted (A Kayani 2011, Kayani, Fleiter et al. 2014) in Pakistan showed that the ubiquitous nature of cultural and religious beliefs tend to influence the behaviours of drivers and advocates for risky driving. In the process of doing so, it nullifies public health messages and becomes an obstruction in the process of promoting health and in engaging in behaviours that prevent injury. The study further observed that it was probable that such beliefs hold sway over the performance of law enforcing authorities such as the police, especially where processes such as investigations and developing road strategies are concerned.

Dandona et al. (2005) concluded that the proper enforcement of the law held precedence over the existence of law. A study conducted in Ghana also supported this notion, stating that discussion on the topic of reforms is inconsequential if accountability and rule of law is dismissed (Tankebe, 2010). Staton, Vissoci e al. (2016) conducted a systematic review and compiled a meta-summary on the subject of road injury prevention initiatives in Low and Middle Income Countries. It was concluded that interventions that were most efficient were those that paired legislation with strict enforcement. Another study with similar findings is one conducted by (Dias 2016). Dias states that the simple act of passing a new legislation will not ensure that the legal culture of those subject to the law has changed. A change cannot be guaranteed unless the key figures who are have the responsibility of bettering the execution of justice perform their duties well. This holds true especially in the case of Low and Middle Income Countries (LMICs). Countries that have organisations (such as traffic police, vehicle inspection, road administration, etc.) that operate with high levels of efficiency are less probable to have records of road users partaking in undesirable behaviour (Gaygisiz, 2010). On the other hand, in LMICs cultural factors prevail over social cognitive frameworks in the area of

road safety. The reason this is so is because in LMICs traffic regulations and laws do not have a solid structure and the enforcement is not uniform (Nordfjærn, Simsekoglu, and Rundmo, 2014).

Imam (2011) conducted a historical analysis on the link the rule of law and the role of police in Pakistan. It was concluded that the police play a major role in maintaining the rule of law. That said, it should also be taken in to account that the police have been plagued with consistent manipulation from the ruling class in Pakistan. According to a report, more than one million drivers are ticketed annually for violating some form of traffic law in Lahore, the second largest city of the country. Though, the elite or those who have power are scarcely held accountable or are charged for their negligence of the law. In addition to that, it also stated that commercial vehicles are often in alarming conditions and are driven by drivers who lack the adequate training and expertise to operate the vehicle and ignore safety rules to boot. To make matters worse, the attitude of law enforcement officers is increasingly casual and they are often guilty of violating the traffic rules they are meant to enforce (The Nation 2017).

Material and Methods

After extensive review of literature, having observations during the study visits to bus stands and watching online risky driving practices of PSV drivers, a qualitative study was devised. Using In-Depth Interview (IDI), Key Informant Interview (KII) and Focus Group Discussion (FGD) tools, a data from ten PSV drivers, five passengers, five police officers/officials of NH&MP and Punjab Traffic Police, one transport company owner and one senior officer of PES were collected from Lahore using purposive and convenient sampling techniques by developing interview guides. The interviews were conducted from PSV drivers and passengers at General Bus Stand, Badami Bagh and Skyways Bus Terminal while from police personnel, travel company owner and officer of PES in their respective offices and at place of work. The inclusion criteria in the study for PSV drivers were those drivers having minimum five years post acquiring HTV license and who drive on intercity routes while for police officers/officials who have served on traffic management assignments. Following data collection, all the interviews were transcribed and analyzed by developing themes.

Results and Discussion

Poor Enforcement of Traffic Regulations

Along with other related organizations, traffic police are mainly responsible for road safety awareness and implementing traffic regulations as a part of traffic law enforcement in Pakistan. Unfortunately, the current enforcement and criminal justice system of Pakistan has one too many apertures due to which road users perceive enforcement mechanism in place as relatively ineffective. Multiple studies (Hyder et al, 2000; Batool, Carsten, & Jopson, 2012; Tahir et al., 2013; Kayani, King

&Fleiter, 2011) done on the same subject have all arrived at the same conclusion which is that though laws for road safety are present, the enforcement of them is inadequate and the conviction rate for road crashes is low due to poorly conducted investigations. The Provincial Transport Authority (PTA), the District Regional Transport Authority (DRTA), Motorways and Highways Police are all authorities that ensure that traffic safety regulations are enforced on all modes of public and private transport within the municipal limits. Each department has their own set of tasks. The police are tasked with enforcing traffic rules, managing the traffic on the roads and issuing licences to drivers. On the other hand, the DRTA examine the motor vehicle for its fitness and road worthiness. However, the general perception towards these agencies is that they are corrupt and procedurally unjust (Transparency International, 2019).

Surveillance and Traffic Regulation

The data pointed out that road users will display a better sense of responsibility and greater willingness to abide by the safety rules and measures if there is adequate surveillance, be it that of the police or electronic surveillance.

According to a police official patrolling on the Lahore to Multan National Highway,

“Public service vehicle drivers observe traffic rules as long as they pass through speed checking areas, sooner they are out of speed checking cameras, they speed up their vehicles like racing cars”.

Another official stated that the reason why lesser incidents are recorded on motorways is due to surveillance via cameras. On provincial highways there is no such surveillance leading to a greater number of incidents taking place. National Highways and Motorways are better equipped in terms of surveillance. The presence of both CCTV cameras and the police has a great influence on drivers and compels them to follow the safety regulations. Same is the case for the issuance of e-ticketing by the Punjab Safe City Authority through Police Intelligent Traffic Management System that was started in October of 2018 in Lahore. It was reported by the chief operating officer of the Punjab Safe City Authority that traffic law violations and road crashes in turn were significantly reduced within a span of six months.

Procedurally Unjust Enforcement Culture

An irresponsible behaviour towards the law has been often observed by law enforcement personnel. Those who should be upholding the standard are often observed to be violating the traffic safety regulations and not incurring any consequences. Such actions result in an increase in the likelihood of crashes. Furthermore, the culture of protocol to VIPs is common in Pakistan, often enabled by the law enforcement officials, which may lead to other sociological effects that

indirectly lead to even more risky driving. Moreover, the image of law enforcement agencies as legitimate authorities also plays a major role in enforcement. To maintain a sense of legitimacy the agencies should not only be procedurally just but should also be able to clamp down on crime and eliminating corruption as well. Unfortunately, the law enforcement personnel are commonly found to be colluding in crimes regarding traffic rules. Practices such as taking bribes in exchange for looking the other way develop attitudes in the public that lead them to believe that the police are an agency of no consequence. Apart from that the abuse of power from the police also leads to a loss of legitimacy and face of the agencies. Many drivers that were interviewed admitted to the fact that many police officials do not pay their fares when making use of the public transport.

A Chief Patrolling officer NH&MP commented:

“Perception of road users regarding Punjab police and traffic police is not good. Drivers of PS vehicles generally have negative opinion about police. They take bribe; don’t give fare when they travel through public transport. Many small companies give “monthly” to police to avoid challans of their vehicles. They are not considered procedurally just. Above all, there is 8 times more traffic on highways and local roads. So, their task is also very challenging.”

Those with a politically strong background will not face any repercussions for violating the law. Therefore, if such a party is involved in a road crash, the victims’ families will not receive any justice as the accused will inevitably be acquitted or their case will stretch out until the victimised family will eventually withdraw the case due to financial strain or out of sheer hopelessness and exhaustion.

A Senior Police officer at Punjab Traffic Police HQ stated:

“If road accidents occur, police comes later but both respondent parties reach a settlement first with each other. In 80% cases, when police comes then both parties have already patched up. Whereas in major road accident cases; police come for investigation, if respondents have license, then investigation officer forward his license for cancellation but if respondent don’t have license, then investigation officer start proceedings under Pakistan Penal Code (PPC) 322. Moreover, our stakeholders should make law stricter e.g., heavy fines, strict licensing system, compulsory classes for PSV drivers (LTV/HTV) including their psychological tests.”

Patron-Client Culture

Another great barrier to proper enforcement is the patron-client culture that is often seen in developing countries such as Pakistan. Many of the public transport companies in Pakistan are under the ownership of or are operated under the patronage of influential individuals such as lawyers, media personnel, politicians or others holding some semblance of influence in the local administration. An informal

patronage is provided to the drivers under them to avoid any legal repercussions. The system works through “Addas” which charge the drivers a certain amount called *monthly* and in return they are provided immunity on the roads.

A PSV driver who drives on Lahore to Sadiq Abad route stated that:

“They [Bus drivers] have developed a system to avoid enforcement of law and related matters. They are organized all over Pakistan in every city. They have designated people for that purpose that provides service 24 hours and their response is very quick and effective.”

The use of mobile phone and online transfers, patronage has become a timely process and the vehicles continue to run on the roads without fear of impoundment or arrest in the instance of a traffic law violation. The fault ridden rule of law encourages clients (which in this case are drivers) to look for patrons (political or other influential administrative) to reap the benefits by indulging in risky driving behaviours.

A FGD with traffic wardens, it was revealed that:

“Road crashes are so common because implementing of Traffic regulation are not done in letter and spirit as people don’t equate it as a serious crime. When Pakistanis visit foreign countries, they do not violate traffic laws because they know there is a zero-tolerance policy. But here, everybody is strong and have reference of an officer/personality. Our Criminal Justice System is very weak. MPA of Balochistan assembly overrun a traffic Sargent and killed him. The video of the had gone viral. Despite that he was exonerated by the court due to lack of proof, whereas video recording of CCTV camera was available.”

This clearly indicates lacunas in the system which favours influential of society and penalizes those who don’t afford to challenge it.

Tracking/monitoring and internal enforcement

The data collected from air-conditioned transport companies revealed that most vehicles were equipped with a tracking and monitoring device. The purpose of installing such a device was to ensure the safety of the journey as well as help monitor the performance of the crew. Naturally the crews of such vehicles were found to be more responsible as compared to those who were not being monitored. In addition to that drivers with tracking systems in their vehicles were observed to stay on route and drive according to the legally advisable speed limit. Another factor of enforcement within the company that helped deter the drivers from partaking in risky behaviours was deducting the amount of fines incurred from traffic violations from their salary.

The owner of a renowned transport company stated during the IDI that:

“We have a strong internal monitoring system through inbuilt CCTV cameras installed in our buses and tracking system to have a close eye on bus crew. If they violate set

norms of the company, they are penalized. In case they are caught violating traffic laws by NH&MP and they have to pay the fine. We cannot afford RTC because of our drivers risky driving as our is very costly."

It is revealed that if there is better internal regulations enforcement of good transport companies through the use of technology of PSV drivers, there is less chances of their drivers' risky driving behaviour, hence lesser RTCs vis e vis small transport companies where system of internal monitoring is not in place.

Discussion

One of the important reasons why RTCs are still prevalent and on the rise because the traffic laws and regulations have not been updated regularly vis-e-vis technological advancement has become markedly outdated. Although amendments are made when needed it is simply not enough to tackle the difficulties and the issues that come with the rapidly changing dynamics in of the country. The lack of road safety rules and regulations make it difficult for law enforcers to do their jobs and make sure that the environment of the road is safe for all who make use of it.

To make matters worse, the existing justice system does not do the transport department many favours. In fact, many individuals do not even seek out the official justice system of the country. Perhaps the reason why so many have lost faith in the capabilities of the criminal justice system is its inconsistency. Everything from the investigation to the hearing of a case is riddled with inconsistency. The current justice system is comprised of four components. The first is the police. They are meant to be the first responders that arrive at the scene and are responsible for the initial investigation and collecting forensic evidence. However, it is often observed that the local police are the last to arrive at the scene. Hence, they are unable to collect proper evidence and the preparator is not apprehended in many cases. According to the data collected by the Rescue 1122 database, there exists a great disparity in the number of cases that occur and the number of cases that are reported. The local police play a major role here as well. Usually, the local police are not too keen on filing a FIR (First Incident Report) as it does not reflect well on their performance. They will take every possible route to avoid filing a report, from recording the complaint in the station's daily diary (also known as a *roznamcha*) to convincing both parties to agree on an out of court settlement. Their focus is mostly on achieving an out of court settlement so that the complaint is closed as swiftly as possible. If the preparator is questioned, they are only asked if they are in possession of a driving license. If they do have driving license, they are sentenced in accordance to clause 320 of PPC which is a bailable offence. Since the courts do not consider traffic violations to be a serious crime the offenders are let off lightly after a lengthy process which becomes excruciating for the victim. Therefore, the victims become hesitant to report the cases and are more prone to favour out of court settlements.

As the findings detail, enforcement is a prime requisite if rule of law is to be observed. When the drivers were questioned if they follow the rules and regulations

of the road voluntarily or out of fear of punishment, a majority of the answered that they follow the rules out of fear of punishment. The researchers (Dandona, Anil Kumar et al. 2005) sustained the same notion, stating that enforcement held much more important than the presence of the laws.

Enforcement of law in Pakistan is often hindered by a patron-agent relationship (Arain & Arain 2016). Though it is a common belief that drivers that violate traffic laws are acting independently, however, that is not so. The fact of the matter is that the elite class has considerable influence in Pakistan's society. So much so that it influences the enforcement of law. Rookie drivers who have no contacts or connections are likely to be exploited or intimidated by other drivers and officers alike. However, if a driver has the appropriate connections, he will not be questioned no matter the number of traffic rules he violates. Even if they are apprehended by traffic police officers, the officers find themselves helpless in the face of a higher authority. The fact that procedural justice is not fairly applied in Pakistan is another reason why the occurrence of RTCs is so common in Pakistan. The law should be the same for everyone and yet the elite have no fear of being apprehended which severely affects the environment of the roads as drivers do not give a second thought before violating the rules.

The absence of deterrence further heightens the unsafe environment of the road and increases the risk of RTCs. A great example of how deterrence causes drivers to follow rules and regulations is the comparison between company and non-company drivers. Company drivers are constantly under strict supervision. Their vehicles are equipped with trackers and they also monitored by a camera that is fitted in the driver's cabin. The company is alerted at the first sign of a violation and the driver is questioned for his action. For example, if the driver deviates from the route or crosses the speed limit, he will immediately be contacted and an explanation for his actions will be required. In case of an RTC, if the driver is found to be at fault, they will be charged with a penalty and the cost for repairs will come out of their salary. All the above-mentioned procedures are acted upon without fail which is why company drivers always cautious when driving. They follow all the rules strictly which why the chances of them being involved in RTCs are lower than that of noncompany drivers. Non-company drivers on the other hand, have no such restrictions or repercussions for breaking the law. Knowing that their actions will not bring any consequences upon them encourages deviant behaviour such as driving recklessly, endangering themselves as well as others.

Conclusions and Recommendations

After having analysed the primary data collected through IDIs and KIIs and secondary data collected from Punjab traffic police Headquarter, it was found that risky driving practices of PSV drivers are prevalent mainly because of ineffective and poor traffic enforcement regime in place in Punjab. Pakistan relatively has the highest rate of Road Traffic Crashes in the region. In fatal crashes, Public Service Vehicles are over represented despite their share in total registered vehicles is small.

To counter this issue and reduce the monumental loss that it incurs there are a few measures that can be taken. Firstly, providing the police officials with proper training and the means (as well as the authority) to deal with RTCs may prove beneficial. This may ensure that enforcement becomes uniform and the culture of procedurally just enforcement is followed. Furthermore, fines or other consequences for violating the rule of law may be enhanced in severity as it would create more deterrence. Secondly, the use of technology is recommended. Making use of surveillance tools such as cameras and drones may help broaden the scale of surveillance and in turn, it is possible that it broadens the scale of enforcement as well as violations would become easy to pinpoint.

In addition to that, internal enforcement amongst private vehicle owners may also be useful in reducing RTCs. Using the tracking system and defining consequences for traffic violations may result in PSV drivers executing more caution on the road.

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