



# Children's deaths in boating accident in Kohat

An HRCP fact-finding report (February 2023)

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## Introduction

On 29 January 2023, a small boat capsized in Tanda Dam in the district of Kohat in southern Khyber Pakhtunkhwa, claiming the lives of 53 children and teachers from a local *madrassah* [seminary].<sup>1</sup> Given the scale of casualties, the Human Rights Commission of Pakistan (HRCP) conducted a fact-finding mission on 3 February 2023 to ascertain the causes and culpability, and held meetings with the district commissioner and divisional police officer (DPO) of Kohat, the Irrigation Department, individuals from the *madrassah* and several local residents. The mission comprised HRCP vice-chair Akbar Khan, journalist Shams Mohmand, lawyer Javed Khattak and HRCP staff member Shahid Mehmood.

Tanda Dam is a concrete gravity dam, built on the Tanda Creek, which is a tributary of the Kohat Toi River. The main purpose of the dam is to provide irrigation water to surrounding agricultural lands and to supply drinking water to Kohat and its surrounding areas. It is 59 m (194 feet) high and 400 m (1,312 feet) long at the crest. The dam has a storage capacity of approximately 40 million cubic metres of water.

The dam plays an important role in supporting local agriculture and has been a reliable source of water for Kohat's growing population. It also serves as a major tourist attraction for the region, having been used for boating and fishing in the past.

## Mission's terms of reference

The mission's terms of reference were to:

- Ascertain the facts of the incident and the reasons it may have occurred, and establish who bore responsibility for the violation of the right to life and safety that this incident constitutes.
- Understand whether boating in the dam was legal, who managed and oversaw it and the nature of the security precautions that were taken with regard to the size and condition of the boat and its maximum occupancy.
- Assess the degree of coordination between local administration authorities in managing boating at the dam, if at all it was permissible.
- Investigate whether security personnel were present at the dam to ensure that any instructions in this regard were being strictly followed.
- Assess the administration's and government response.

## Fact-finding exercise

### *Meeting with DPO Kohat*

The mission first met with the DPO Kohat, who apprised them of the latest developments of the incident; that a first information report (FIR) had been registered under Section 322/34 of the Pakistan Penal Code against officers of the Irrigation Department including the executive engineer, sub-divisional officer and sub-engineer on the pretext that the safety of the dam is their responsibility. He

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<sup>1</sup> B. Gilani (2023, January 31). Tanda Dam tragedy: Rescue workers recover 23 more bodies. Samaa. Retrieved 22 February 2023, from <https://www.samaaenglish.tv/news/40026584>



said that two police personnel were stationed at the check-post near Tanda Dam at all times, but emphasized that there was a significant difference between dam safety and dam security.

The DPO further informed the mission that following the expiration of a contract handed out to a private party by the fisheries department to manage recreational activities at the dam a year ago, fishing, boating and swimming in the dam had since been prohibited. He stated that, on 29 January 2023, 51 children from the madrassah had drowned, including the skipper. When the mission noted that the name of *mohtamam* [seminary head] of the madrassah had not been included in the FIR, the DPO could not give a suitable justification. He also refused to provide a copy of the FIR and held the officials of the Irrigation Department responsible for negligence.

He said that, on the day of incident, only one boat was available, which belonged to the brother-in-law of the mohtamam of the madrassah. The DPO said that the tour comprised 74 children aged between 7 and 14, and explained that the first round of boating, with 16 children on board, concluded safely. He said that, on the second trip, 57 children were on board and the boat overturned on reaching the middle of the dam when a pillar onboard was displaced. When the mission inspected the boat, it became clear that it was ill-equipped to accommodate 57 children, being roughly 18 feet long and 7 feet wide (photos attached below).

The DPO told the mission that an employee at a nearby restaurant reported the incident to the management of the madrassah and they informed Rescue 1122. Meanwhile, local residents attempted to save the children: five persons were rescued, including a madrassah teacher. However, they were unable to continue the rescue operation as the water was very cold and they were not adequately equipped. The DPO explained that Rescue 1122 personnel arrived onsite 15–30 minutes later and were able to recover 16 bodies. However, due to lack of equipment, they could not carry on and sought help from the army. Expert divers from Charsadda, Nowshera and Malakand were also called for the operation after roughly one or two days.

In response to a question, the DPO said that no arrests had been made in the matter. According to him, the rescue operation led by the army continued for the third day, aided by volunteers of Al-Khidmat Foundation, the police and civil authorities from Kohat, Malakand, Nowshera and Bannu. He concluded that funeral prayers for the victims were offered in Mir Bashkhel, Suleman Talab and Tanda town.

#### *Meeting with deputy commissioner Kohat*

The mission also met deputy commissioner Kohat to investigate the administrative side of the incident. According to him, there had been no reported incidents of drowning in the dam before. He said that only the National Logistics Cell is allowed to use boats at Tanda Dam whilst carrying out construction work. He further explained that the district government office receives complaints of people swimming on Eid or in the holidays and that they impose Section 144 to avoid any untoward incident. The deputy commissioner said that initially the madrassah management had reported the drowning of 35 children, but the actual number turned out to be higher. The mission also visited the madrassah and concluded that the mohtamam had provided an inaccurate figure. The deputy commissioner said that seven ambulances, four boats, two recovery vehicles and more than 40 personnel of Rescue 1122 were participating in the search operation.

The deputy commissioner said that the last time a complaint was made was by the Irrigation Department in 2016. No complaints have been received since then. The DPO reiterated the stance of the deputy commissioner. Tracing back, the DC said that a year ago, a restaurant near the dam was legally organizing boating. However, after the contract's expiration, the boats were still there despite the activity being banned. He said that the madrassah's mohtamam had decided unilaterally to take the children out on the boat.



### *Meeting with Irrigation Department*

At the time of the meeting with the Irrigation Department, the staff officers including the executive engineer and sub-engineer were not present in the office. The head clerk informed the mission that they had been writing to the DC from time to time regarding the irregularities at the dam site (Appendix 1). When asked for the copy of this letter, he said it was in possession of a clerk who was on leave that day.

The head clerk also said that the department has no real authority to enforce the ban on boating in the dam, unlike the police and deputy commissioner. He also stated that such incidents did not occur in any other dam which fell under the purview of the Irrigation Department in other districts.

### *Visit to the dam*

The mission visited the dam after conducting meetings with the relevant institutions. The team discussed the incident with Rescue 1122 personnel present onsite. They said that at that point, 53 bodies had been recovered with the last one having been found with much difficulty and assistance from divers. The mission also visited the nearby restaurant whose employees were the first to witness the incident and raise alarm. They said that they had carried out the initial operation with the locals and managed to rescue four children and a teacher. They remarked that more children could have been rescued if Rescue 1122 personnel had arrived on the scene promptly.

Interestingly, sign boards advertising a boating facility in the dam were on display (Appendix 1). When the hotel manager was asked about this, he claimed the boards were two years old and it had been discontinued since the ban was put in place a year ago. The staff also showed the team the boat in the incident as mentioned above.

### *Visit to the madrassah*

The madrassah Arabia Islamia is located in a village called Mir Bash Khel, Suleman Talab about 3 km from the dam, in which 192 children were enrolled. The mission was unable to meet the mohtamam since he was busy making arrangements for the victims' funerals. The brother of the mohtamam told the team that seven children of their family, including two of his own, had drowned; the skipper was also the brother-in-law of the mohtamam.

The mission asked him why 57 children had been accommodated in such a small boat. At first, he did not have any justification. Later on, he said that the mohtamam had remarked that the boat had 'become bigger for the children by the power of Allah but this accident was fate.' When he was reminded of the fact that boating is banned in the dam, he initially remarked that, if there is a water body in the area, boating should be allowed there, but later became visibly uncomfortable and avoided questions. As he was also busy in funeral arrangements, the HRCP mission was unable to get any conclusive answers from him.

After the mission's conclusion, the team was able to get in touch with the mohtamam who informed us that children from the madrassah had been regularly taken for boating without any issues over the past few years, as a leisure activity and to celebrate academic achievements. He expressed remorse over the incident and said that his own family had lost eight children in the tragedy.

### **Conclusion and observations**

- While the responsibility for the incident is shared amongst the mohtamam, the DC, the irrigation department and the DPO, the mission was unable to conclusively establish culpability given the findings above.
- There was a serious lack of coordination between various institutions including the district administration, police and the irrigation and fisheries department.
- The dam has been severely neglected and poorly maintained.



- Apart from the two policemen and the irrigation department watchman, no officers inspected the dam as a routine. This was indicated by the fact that they did not claim to stop anyone from boating or remove the signboard put up by the local restaurant which indicated that boating facility was available.
- Boating had continued at the dam illegally. The local people claimed that there is no boating nowadays, but apart from the affected boat, a couple of old boats were also found there. In 2013, a letter of recommendation was written by the deputy commissioner to the irrigation department directing them to issue a no-objection certificate (NOC) to the restaurant for organizing boating activity (letter attached below). The restaurant management continued to provide boating facility to the public for many years through the same letter of recommendation.
- The watchmen of the irrigation department and police personnel posted there expressed their helplessness, as they do not have the authority to prohibit people from bathing or boating in the dam; they can only advise against it.
- The HRCP team has not seen any sign warning people against boating or swimming in the dam.
- The team members were told by the locals that the skipper took so many children on board just to save fuel and avoid a second trip.

### **Recommendations**

1. Given the scale of casualties, a high-profile joint investigation team should be formed to impartially investigate the incident, establish culpability and take lawful and proportionate action against those responsible.
2. There needs to be better coordination between the irrigation department, district administration and local police, with clearly defined responsibilities to ensure that all the relevant authorities work in tandem to enforce the ban on boating.
3. Signboards must be installed near the dam prohibiting boating and swimming, and warning people of repercussions if they ignore the rule.
4. Those found flouting the ban on boating and swimming must be penalized appropriately; signboards must clearly indicate the penalty for doing so.
5. In the medium term, emergency services must be improved to ensure a rapid response to such incidents.



## Appendix 1: Photographic evidence from the mission

*Image 1: The boat that capsized in the accident, causing the deaths of over 50 children*



Images 2-3: Signboards indicating that boating is allowed and that life jackets are mandatory





*Image 4: Meeting with Irrigation Department officials*



*Image 5: HRCP team interviews the mohtamam at the madrassah*





*Image 6: Meeting with the deputy commissioner in Kohat*



*Image 7: Meeting with the DPO*









Image 2: Irrigation Department documentation

Form No. 35  
(January 2019)

## DAK BOOK

GS&PD.KP-268/5-F.S.-200 B. of 100L-9.10.13/P4/Form Store Jobs/Dak Book

	To whom addressed	Contents of cover	Name of Naib Qasid	Initial of receiver
01/01/19	DAO Kohat NO. 2075/18-E, W/E, (pension claim papers ms. Hakeem)			(File) 1-1-19
01/01/19	Deputy Commissioner NO. 46/11-L Kohat			1-1-19
01/01/19	Commissioner Kohat NO. 46/11-L			1-1-19
01/01/19	Deputy Commissioner NO. 90/11-m. Kohat			1-1-19
01/01/19	D.P.O. Kohat NO. 90/11-m.			1-1-19





Images 3-4: Notifications prohibiting boating in Tanda Dam

	<b>KOHAT IRRIGATION DIVISION KOHAT</b> <b>TANDA DAM SUB DIVISION KOHAT.</b>
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No. 1176 18-E,  
To,

Kohat the dated 31/12/2018.

The Executive Engineer ✓  
Kohat Irrigation Division  
Kohat.

**Subject: - Boating in Tanda Dam...**

Tanda Dam is one of the Major Touring/visiting spot for the people of Kohat. To avoid any type of probable loss to human life, to save the Irrigation water from pollution, illegal boating is strictly prohibited in the Tanda Dam reservoir. Seven Nos of boats are still used by various peoples in reservoir for illegal boating. You are requested to approach local administration to stop such pretences in reservoir.

*Sub Divisional Officer,*  
Sub Divisional Officer,  
Tanda Dam Sub Division,  
Kohat.

*17C/EC*

*Put up letter to AC Kohat  
for m.a.*

*TH*  
*2/1/19*

*2/01/19*

*11-11*



OFFICE OF THE EXECUTIVE ENGINEER,  
KOHAT IRRIGATION DIVISION KOHAT.  
PHONE & FAX NO. 0922-9260173.  
E-Mail:- Kohatirrigation@gmail.com

No. 90 11-M,  
To,

Dated Kohat the 16/01/2019.

The District Police Officer,  
Kohat.

Subject: **BOATING IN TANDA DAM.**

As reported by the Sub Divisional officer Tanda Dam Sub Division Kohat, Tanda Dam is one of the Major Touring /visiting spot for the people of Kohat. To avoid any type of probable loss to human life, to save the Irrigation water from pollution, illegal boating is strictly prohibited in the Tanda Dam reservoir. However Seven Nos boats are still used by various peoples in reservoir for illegal boating. It is therefore requested to direct local police station to stop such practice in reservoir in order to avoid any further consequences please.

9/1  
Executive Engineer,  
Kohat Irrigation Division,  
Kohat.

Copy to the:-

1. Deputy Commissioner Kohat.
2. Superintending Engineer Bannu Irrigation Circle Bannu for information please.
2. Sub Divisional officer Tanda Dam Sub Division Kohat with reference to his letter No.1176/8-E, dated.31.12.2018 for information.

Executive Engineer.

Image 5: Copy of the FIR lodged after the incident

[illegible]