

Report on the March 26, 1996 Accident on the Delhi to Agra Road  
Nathaniel Waring, Cox & Kings

This report will provide a context for understanding the process undertaken by the ISE to plan and operate a tour for the group of SAS students who traveled in India on the tour known as MAD 13 and who were involved in the fatal bus accident of March 26, 1996 on the Delhi to Agra road.

I will look into the following areas:

- 1 The process of planning a tour itinerary such as choosing a 'local' operator/agent as well as other service providers such as hotels, guides, modes of transport, etc.
- 2 The process of amending travel arrangements due to availability and unavailability of required arrangements and the final size of the participants on an itinerary.
- 3 Finally, the process of operating the planned travel arrangements.

My qualifications to discuss this long and involved process is the following:

I have worked full time for Cox & Kings, a tour operator specializing in arranging travel within India for foreign travelers since 1987. Cox & Kings has been in business continually for 240 years. Prior to joining C&K I graduated from Stanford University where I wrote my undergraduate thesis on US-Indo relations since 1947, I worked for three months in the summer of 1985 at the Indian Desk of the US State Department and spent three months during the summer of 1984 traveling through India while funded by the Stanford University Dept. of Anthropology. During that first trip to India I traveled in a private car from Delhi to Agra and back in one day.

I joined C&K in the UK offices as a tour manager and the copy writer for our promotional brochures. While I was a tour manager I traveled to India more than 6 times in two years and accompanied groups of UK travelers to India. During these trips I traveled on the Delhi to Agra road only once by bus during the day. In 1989 I came to the US as part of the C&K team to open a USA sales office. I took over the operation of this office in 1990 and since then have been the manager of the office. My title is currently President of Cox & Kings. Cox & Kings organizes travel arrangements for between 800-1200 Americans to India per year. I have traveled into India over 34 times, have visited new Delhi on every one of these <sup>trips</sup> and have visited Agra 11 times, twice by road from New Delhi and the remaining times from different cities or by train.

During my tenure of the last 8 years as the Manager and President of Cox & Kings and in addition to my duties of running the USA office I have lectured on travel to India on numerous occasion including to groups of travel agents at ASTA, GIANTS, and API meetings. I have also lectured on travel to India to Students at the NYU Business School and the NYU Graduate Program in travel and tourism. I have also acted as a consultant to a number of films shot in India including a National Geographic film on the Indian traveling Circus.

With specific reference to the ISA I have also corresponded with Dr. Wright by letter and telephone call regarding our bid to have C&K act as the ground agent in India. C&K never won this bid in two successive years of bidding.

Planning, setting up and operating a tour is a lengthy process. This process takes years as admitted by Dr. Jill Wright at the ISE (Institute of Shipboard Education) who originated the itinerary planning for the MAD 13 tour 12 (ck) months prior. The reasons for this lengthy timetable are numerous. On the selling side organizations such as the ISE need to plan itineraries to include them in their literature, syllabus, etc months ahead of the dates of travel. Of relevance to understanding this process from the operations side is the great amount of time required to plan and book arrangements to ensure availability of the desired services.

The vast majority of tourists who travel to India from the USA travel during the dry winter season which extends from the end of September through the end of April. The monsoon period in India though variable by geographic region generally extends from June through September. It is a period of high humidity, heavy rainfall, and heat and is generally avoided by tourists. Additionally late April and May are avoided as it is the hot dry season where temperatures in Northern India and especially in Delhi and Agra can reach into the 110-120 range. Because of this extreme climactic seasonality and the fact that most visitors are in India during the 6-7 months of Fall/winter hotels, flights and other arrangements tend to be heavily subscribed and often sold out. To be able to successfully operate an itinerary that had 50-75 participants would require blocking of space much ahead of time. It is not uncommon for hotels to be sold out 1 year ahead of time or an airline request especially for a large group to be wait listed 6 months or more ahead of time.

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From the written testimony of Umi Menon he admits that the flight proposed for MAD 13 from Varanasi to Agra scheduled for March 26, 1996 was placed on the waitlist at the time of the initiation of the reservation request by Kwik Travels to Indian Airlines in December, 1995. He states that he had every reason to believe from past experience that this waitlist situation would eventually clear closer to the date of travel and that he felt no need to make alternative travel arrangements. I find this supposition to be unbelievable from my experience as an organizer of group travel in India. In my opinion a waitlisted group of 60 seats on a flight scheduled to be operated on a B-737 on a sector which has only one scheduled flight is unlikely to clear closer to the time of travel. It was Menon's statement that he believed that Indian Airlines may operate a second flight for that sector. This is unbelievable as well as Indian Airlines has an admitted shortage of aircraft. I have never seen IC place an additional flight on this sector.

It would have been my advice that the best alternative mode of getting from Varanasi to Agra once it was apparent that the Varanasi to Agra flight was not available for MAD 13 was to fly from Varanasi to Delhi and to overnight in Delhi and to take the early morning express train to Agra. (The Shatabadi Express train runs a daily train which leaves Delhi at 0600 and arrives into Agra 0815.). It is important to note that this would have entailed a higher cost as the Delhi hotel cost is higher than the Agra hotel cost and the train tickets are more expensive than the bus cost which is divided among 30 travelers.

I may also add that this alternative is one that is very frequently put into operation by many tour operators as the Varanasi to Agra flight, IC 408, is very often canceled or it overflies Agra due to flight delays during the winter months. C&K faces on average 4-5 instances per year where we have a group on IC 408 and the plane does not land in Agra and continues to Delhi. We are then forced to make alternative arrangements to get our passengers from Delhi to Agra and to continue on their planned itinerary. Our normal recourse in this situation is to overnight in Delhi and reserve seats on the Shatabadi Express train.

In discussing this timetable of planning, booking and operations it is clear that that it is a logistically complicated process. It is also clear from the testimony that two different schedules affect this process. One is the schedule of bookings. On MAD 13 as well as all of the tours offered by ISE to students on SAS, students sign up for tours while at sea a number of months/weeks ahead of the proposed travel. The second is the schedule of operations where hotels, airlines and

local operators have requirements for deposits, name lists, payments, etc. In the end it becomes a continuous process of revision and amendment trying to match the different timetables of these two processes and reaching to the final stage of operations when a tour departs.

The client or end user of these services, in this case ISE and Dr. Wright faces many choices in the progression of this scenario. In most cases the end user will rely on an agent or land operator or ground operator to manage these logistics. This operator then also sub contracts part of these logistics to other suppliers, and agents. This is normal in this business. What is apparent from the testimony of both Dr. Wright and Mr. Menon is that this process had no system of checks and that the end user was relying on a supplier who was himself distanced from his sub contractors.

A cursory investigation by the ISE into both the qualifications and the credentials of the land operator, in this case Spectrum would have indicated that Spectrum may not have been very well positioned in India to handle the logistics as outlined above.

In selecting a land operator a number of issues are critical. One is the cost of the services. As in any business a lower priced bid has merits over a higher priced for the same package of goods and services. Of equal importance in my opinion is the ability of the land operator to provide the promised services. This is especially true in a country such as India where the infra-structure is commonly known to be vastly inferior to many other countries and subject to the strains of seasonality. Finally of importance as well is the ability of the land operator to provide alternative arrangements at short notice.

It is clear from the testimony of Umi Menon and from my knowledge of the business that Spectrum was not qualified on the latter two points. Spectrum Travel has one employee and relied on a sub contractor, Uday Tours in Delhi who in turn relied on yet another sub contractor to issue tickets, and who relied on yet another subcontractor in Agra to look after the SAS students. This sub-sub agent was Sunil Gupta of Travel Bureau Agra. In reading the testimony it is clear that Dr. Wright did not ask any questions of Spectrum pertaining to Spectrum's infra-structure within India. While it is not inherently and necessarily true that a network of sub-agents cannot perform the logistics of tour operations adequately or even well, it is in my mind inherently obvious that if such a network of sub agents exists it is in the interests of the end user to be aware of this network and the various responsibilities born by the different agents.

Mr. Menon has admitted that he made a mistake of ignorance when he stated that Uday Tours was a "ticketing agent". Mr. Menon admitted that during the operation of MAD 13 he had no idea of the existence of Kwik Travels as the designated sub agent to Uday or no idea that Apollo was the operator of the coaches scheduled for use on MAD 13. Certainly one can infer that Dr. Wright as well had no knowledge of these agents and their respective roles in the operation of MAD 13.

I find this lack of awareness to be incomprehensible. In my dealings with clients similar to ISE (groups or associations in the USA who promote tours within India) it has been my experience that clients demand to know what our operation is like within India. In all of our literature we explain our network of wholly owned offices within India and our ability to chose service providers based on experience and evaluation.

I also find it difficult to believe the testimony of both Dr. Wright and Mr. Menon regarding their perception of the safety on road travel within India and most specifically of travel by bus on the Delhi to Agra road after sunset. One of the biggest considerations of our clients who are planning to go to India or to promote India to their clients is the question of safety of travel within India. It is also one of the most important considerations of our staff at C&K in planning a proposed itinerary to look at the relative safety/danger aspects of it.

C&K has a clear policy to not use major trunk roads after nightfall in any planned itinerary. In the few cases where C&K clients do drive on road after nightfall it is because of last minute schedule changes and only upon the insistence of clients because the alternative may be missing a city or a flight later on. In these cases our local offices explain that road travel within India is dangerous, and more so than in other countries such as the USA. It is also the policy of C&K not to use the Delhi-Agra road during the day as well. In the case where we have a client who insists on going from Delhi to Agra or return by road we let him know that this is against our recommendation

It is clear from the testimony of Dr. Wright and Mr. Menon that Dr. Wright relied upon and trusted the judgment of Mr. Menon to operate the ISE tours in India at the levels expected by ISE. It is further clear that this judgment was based not upon objective evaluation of Spectrum Travel but rather on past experience and a long-standing relationship and acquaintance. However the past experience in question was the expertise of a different travel company in India, namely Trade Wings and prior to that SITA. It is my opinion that this

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judgment was not warranted by the actual set up of Spectrum in India, and ultimately was part of the influence of events that led to having the SAS students on a coach on the Delhi to Agra road after nightfall.

When Dr. Wright asked Mr. Menon during their telephone conversation regarding the inability of Spectrum to obtain confirmed tickets for IC 408 if there was any alternative to the proposal laid out by Mr. Menon (flight to Delhi followed by an evening/night drive to Agra) Mr. Menon replied "not really". In fact there was a better alternative that I discussed above, albeit at a higher cost. It would be sad to learn that the decision to use the Delhi to Agra road at night was based solely on cost. Surely no student, or student's family would have objected to paying more money for an alternative which was clearly safer and readily available.