

Chapter-IV
Transport Department

CHAPTER - IV: TRANSPORT DEPARTMENT

4.1 Administration

The Commissioner of Transport, Assam is responsible to ensure road safety through the implementation of the Motor Vehicles Act and Rules and also regulate the road transport sector of surface communications through the State Transport Authority and the Regional Transport Authority in the districts. The Commissioner of Transport needs to ensure proper licensing of Drivers after they fulfil required conditions and also register Motor vehicles. It also has the responsibility of educating the public on road safety norms, so that no lives are lost or impaired because of road accidents.

The Principal Secretary to Government of Assam (GoA), Transport Department is the Administrative Head of the Transport Department. The Commissioner of Transport (CoT), Assam is assisted by two Joint Commissioners of Transport, three Deputy Commissioners of Transport and five Assistant Commissioners of Transport. There are twenty-nine (29) Districts level offices which are headed by District Transport Officers (DTOs) who are assisted by Motor Vehicle Inspectors, Enforcement Inspectors and other officials in discharging their day to day functions. They are empowered to implement Taxes on Laws and Rules thereunder *i.e.* the Motor Vehicles Act, 1988, the Central Motor Vehicles Rules, 1989, the Assam Motor Vehicle Rules, 2003, *etc.*

The Transport Department is also responsible for collection of taxes, fees and fines on motor vehicles registered in Assam. For commercial vehicles, motor vehicle tax is realised every year and the vehicle owner has the option to pay it quarterly or annually; while One Time tax for 15 years or five years and 10 years is realised from all private vehicles registered in the State. Besides, composite fee *in lieu of* motor vehicle tax is also collected from owners of commercial vehicles bearing national permit/tourist permit of other States plying in the State. Further, there is provision for levy and collection of fines for various offences which are imposed under the respective Acts and Rules.

4.2 Results of Audit

Test check of records of 30 offices (out of total 54 offices) of the Transport Department during 2019-20 noticed deficiencies in 70 cases as shown in **Table 4.1**.

Table 4.1:-Results of Audit

Sl. No.	Category	Number of cases	Amount (₹ in crore)
1	Non-realisation of Road Tax and fine	13	95.57
2	Non-realisation of Inspection fee and fine	14	38.51
3	Plying of vehicles without valid permit	8	1.00
4	Non-renewal of Trade Certificate/trade licence, <i>etc.</i>	23	0.36
5	Non/short realisation of licence fee for E-Rickshaw dealers	2	0.03
6	Others	10	1.53
Total		70	137.00

Compliance Audit Observations

4.3 Fitness certificate of vehicles not renewed

Despite availability of information in VAHAN database, the DTOs neither initiated action to cancel the registration/permit of these vehicles whose fitness certificate has expired nor issued any notice to defaulting vehicle owners which resulted in forgoing of revenue of ₹ 1.19 crore besides fine of ₹ 22.58 crore was also leviable.

[DTOs, Cachar, Dibrugarh, Golaghat, Kamrup (Metro) R & L, Nagaon, Nalbari, Dhubri, Goalpara, Jorhat, Sivsagar and Udalguri; May 2019–March 2020]

Under Section 56 of the Motor Vehicles (MV) Act, 1988 read with Rule 62 of the Central Motor Vehicle (CMV) Rules, 1989 made there under, a transport vehicle shall not be deemed to be validly registered unless it carries a certificate of fitness. Further, under Section 84 (a) of the MV Act, 1988, the vehicle to which the permit relates should carry a valid certificate of fitness issued under Section 56 of the Act. A fitness certificate granted in respect of a newly registered transport vehicle is valid for two years and is required to be renewed every year on payment of prescribed testing fee of ₹ 400 for three wheelers and light motor vehicles (LMV) and ₹ 600 for heavy vehicles with effect from 29 December 2016. In addition to this, renewal fee of ₹ 200 is also leviable for all categories of vehicles. In addition, the Government of Assam notified⁹⁷ (December 2018) an additional fee of ₹ 50 for each day delay after expiry of certificate of fitness.

As per Rule 26 of the Assam Motor Vehicle (AMV) Rules, 2003, the DTO shall maintain record of each fitness certificate issued by him. Further, as per Rule 87(2) of the AMV Rules, 2003, the Motor Vehicle Inspector (MVI) may inspect any transport vehicle at any time at any place to check whether the vehicle is fit for plying on public roads.

Audit examined (between May 2019 to March 2020) Fitness Expiry Reports generated from 'VAHAN' software in 11 DTOs⁹⁸, out of 29 DTOs in the State, which showed that out of the total 3.92 lakh transport vehicles⁹⁹, fitness certificate of 19,201 vehicles (4.89 per cent) had expired between April 2017 and March 2019.

Due to non-renewal of the fitness certificate the inspection fee and renewal fee of ₹ 1.19 crore¹⁰⁰ had not been realised from 19,201 transport vehicles. Besides, additional fee of ₹ 22.58 crore at the rate of ₹ 50 per day for the period of delay was also leviable.

⁹⁷ Vide notification no. TMV.219/2017/22 dated 19 December 2018 followed by Government of India's notification no. G.S.R.1183 (E) dated 29 December 2016.

⁹⁸ Cachar, Dibrugarh, Golaghat, Kamrup (Metro) R & L, Nagaon, Nalbari, Dhubri, Goalpara, Jorhat, Sivsagar and Udalguri.

⁹⁹ Of the total registered vehicle of 24.18 lakh including private car/two wheeler, Government vehicles etc.

¹⁰⁰ Testing fee of ₹ 81.03 lakh and certificate renewal fee of ₹ 38.40 lakh.

Further, audit has crossed checked 3,822 vehicles among the vehicles mentioned above with the MV tax payment data (between April 2017 and March 2020) available in VAHAN software and noticed that 638 vehicles (16.69 *per cent*) paid their MV tax for the period April 2017 to March 2020 without renewal of fitness certificates. It was noticed that there was no specific feature in VAHAN software to prevent collection of MV Tax against vehicles whose fitness certificate had expired. Moreover, the unfit vehicles also pose a threat to road safety and environment. The DTOs neither initiated action to cancel the registration/permit of these vehicle whose fitness certificate had expired nor issued any notices to the defaulting vehicle owners. The transport department may consider coordinating with Traffic Police and share the Fitness Expiry Reports to trace out the unfit vehicles plying on road.

Thus, non-realisation of testing fee and renewal fee of ₹ 1.19 crore from 19,201 transport vehicles due to non-renewal of fitness certificate is a revenue loss to the Government. The category-wise number of vehicles whose fitness certificate expired between April 2017 and March 2019 are shown in **Appendix-XXXII**.

Similar issues were pointed out in earlier Audit Reports¹⁰¹, however, due to non-initiation of corrective measures by the Transport Department, plying of vehicles without renewal of fitness certificate is still persisting.

On this being pointed out by Audit:

- The DTO, Udalguri stated (October 2020) that an amount of ₹ 17.63 lakh involving fine of ₹ 17.14 lakh was realised from 95 vehicles and steps would be taken to realise fees and fines from other defaulting vehicles owners.
- The DTO, Cachar and DTO, Nalbari stated that the matter has been communicated to the Enforcement team, consequently on random checking some of such vehicle had been caught and action taken accordingly.

The DTO, Udalguri has realised fees and fines from 82 vehicles (13 *per cent*) against audit observation of 611 vehicles. The DTO, Udalguri may take up the matter with the Enforcement Branch and Traffic Police to detect such vehicle which are plying without renewal of fitness certificate and realised upto date fees and fines from all such defaulting vehicles.

The DTO, Cachar and DTO, Nalbari may ensure realisation of renewal fees along with fines from the defaulting vehicle owners and update VAHAN database.

Other DTOs may also take above mentioned steps for timely renewal of fitness certificates.

While audit has received replies from four DTOs, however the replies from the Government/Department (reported in December 2021) is awaited (March 2022).

¹⁰¹ Paragraph 4.2.9, 4.6, 4.4 and 4.4.4 of the Audit Reports (Revenue Sector) for the year ended 31 March 2016, 31 March 2017, 31 March 2018 and 31 March 2019 respectively.

