

Governance Issues in Road Freight Transportation (Trucking) Industry in India: An Overview

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ABSTRACT

The road transport mode serves as one of the key factors in the development process of any economy. The trucking industry in particular, has played a pivotal role in trade and commerce in India especially in the past few decades. It has certain inherent features such as customer tailored schedules, easy availability, easy manoeuvrability, smaller cargo acceptance, flexibility in operation and organization and door-to-door service which makes it a personalized and thereby a superior service. As it possesses greater distributive ability in terms of delivery and collection, it is strategically more suitable for hilly, rural and inaccessible areas than railways, waterways and airways. It acts as a feeder services to all other modes of transport. However, road freight transportation is a vital albeit neglected segment of the transportation sector in India. There are (still) various issues related to the governance in the trucking industry and this is because the regulatory provisions governing the industry have been liberalized but a lot more is required. Thus, in this paper an attempt has been made to look at the issues relating to governance and the extent of its impact on national economy in general and trucking industry in particular. Also to find out possible solution to the governance issues relating to trucking industry using regulatory and legislative mechanism for effective and efficient function of the road freight transportation in our country.

Keywords: Trade and Commerce; Trucking Industry; Regulatory Provisions.

1.0 Introduction

Economics says that if we want to have overall welfare and efficiency in our system, we need to be in the first best. Although, given the market imperfection due to various reasons, many times we fail to achieve first best and get into either second best or third best also.

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This simply reflects that there is something wrong in the system or in the process/execution of the system. Thus, given the situation of second best or third best, the government needs to intervene into the system strongly and also need to act as an efficient regulator to bring correction into the system or the process/execution. But the question here is if the government or government systems itself operate in second best or third best, then who would be held responsible for it, or whom to approach, or on whom to depend to achieve or get into first best situation.

Now, in current context, having a look at Indian Economy and its constituents like agricultural sector, service and commerce sector, there exists huge imperfection in one or the other way, either it could be policy making and implementation or execution on the end results too i.e. achievement of these policies, which were primarily started for socioeconomic welfare in one nation. However, it is asserted that with the improvement in process and execution, one can minimize the extent of either second or third best and try to achieve first best, where economy may find minimum destructions. But this can be done only with the help of "Good Governance".

Laxmikant (2013) revealed that the concept of good governance assumed significance since 1990s with the publication of two reports by the World Bank. In the first report entitled "Sub-Saharan Africa: From crisis to sustainable Growth" (1989), the bank emphasized upon the need for good governance. While in the second report entitled as "Governance and Development"(1992), the bank identifies a number of aspects of good governance. These are political, legal and administrative in nature.

Further, looking at Indian Economy one may find that our economy is almost lacking good governance in many areas/sectors (if not all) due to various reasons, direct or indirect. It has been observed that it is not impossible to get good governance in those areas, which are lacking but legislative and regulatory provision governing those areas/sectors and bureaucracy involved in that is either not allowing or not willing to bring good governance. Although, it has been asserted that bringing good governance involves huge efforts and is almost difficult but with willingness of the system, it can be done. Because in order to have good governance, we need to have certain attributes such as participation, rule of law, transparency, responsiveness, consensus oriented, equity and inclusiveness, accountability, effectiveness and efficiency etc. However, having a look at mentioned attributes, one can easily observe/find that road freight transport in particular, is a vital albeit neglected segment of the transport sector in India. Despite the fact that the road transport mode serves as one of the key factors in the development process of our economy in general and trucking industry in particular has played a pivotal role in trade and commerce especially in past few decades, with the prime objective to provide mobility and movement of passengers and materials, there are still

various issues related to the governance in the trucking industry and this is because the regulatory provisions governing the industry have been liberalized but lot more is required (Sriraman, 2006; Parihar, 2011). The possible barriers to good governance in any sector of an economy could be attitudinal problem, lack of accountability, Red Tapism, low levels of awareness, ineffective implementation of laws and rules. The most interesting and very important thing to be noted at this time is that almost all the barriers of good governance are present in trucking industry in India during its operations on Indian road network, directly or indirectly.

Hence, for any of the sector or sub sector of Indian Economy in general and road transport in particular, in order to solve many of the existing problems along with to provide boost to the trucking industry, the most important is firstly to create an environment of good governance and bring it into the practice as a supportive measures. This can be done with the help of looking at each and every components/activities of trucking industry via backward and forward linkages. This is because the trucking industry has enough potential to support our economy to grow with sustained higher rate of GDP.

Therefore, in this regard, for the purpose of the study we have carefully looked at one of the subcomponent (i.e. trucking industry) of service sector in our economy in order to find out governance issues and their impacts on trucking industry and ultimately on overall economy. This is because the review of the literature at various levels revealed that the transport plays an important role in GDP of any economy. In case of India, transport in general and road transport in particular plays an important role in many ways for growth and development of our economy. This can be simply reflected by the share of transport in general which is around 6.5 percent in our GDP whereas the share of road transport is around 4.6 percent in our GDP. And, therefore it is very necessary to find out governance issues in trucking industry in India and need to put the efforts to resolve it.

1.1 Road Freight Transportation (Trucking) Industry in India

The development of the modern transport system brings many benefits. More and better transport has no doubt been one of the main factors in India's Economic development during last sixty years and more of economic planning. The road transport sector has grown significantly during the past five to six decades. The share of road transport industry in terms of passenger traffic as well as freight traffic has increased beyond expectations. Table 1 below gives the truck growth and freight traffic over the period 2004-05 to 2013-14.

Table 1: Truck Population and Freight Handled in India

YEAR	TRUCK POPULATION* (in thousands)	FREIGHT HANDLE (Billion Tonne Kilometres-BTKM)
2004-05	4031	646**
2005-06	4436	706#**
2006-07	5119	768##**
2007-08	5601	835**
2008-09	6041	909**
2009-10	6432	989**
2010-11	7064	1076**
2011-12	7658	1171**
2012-13	8307	1315***
2013-14	8698	1429***

Source: * Ministry of Road Transport, Government of India.

** GOI (2007) Working Group Report on Road Transport for the Eleventh Five Year Plan, Planning Commission, Government of India, New Delhi, # for the year 2005-06 revised estimates of GDP rate of 8.4% given by CSO has been taken to estimate BTKM, ## estimate for 2006-07 has been worked out based on a GDP target growth rate 8% assumed in 10th Plan.

*** GOI (2012) Working group report on road transport for the twelfth five year plan, planning commission, government of India, New Delhi..

Moreover, road transport is considered as the most efficient mode for short and intermediate hauls. It has certain inherent features which makes it indeed a very personalized and thereby a superior service.¹ Further, it is well recognized that transportation plays a very significant role in developmental process of any economy. Experience has revealed that lack of adequate transportation constraints the growth process and limit the reach of development to different areas in an economy. It is also known that existing transportation capacities and potentials or facilities are not adequately utilized for verities of reasons including inappropriate pricing, poor regulation, inefficient operating practices etc. It has often being pointed out that this is due to lack of effective governance relating to investment and pricing policies, etc. It has often being pointed out that this is due to lack of effective governance relating to investment and pricing policies, legislative measures, absence of co-ordinate efforts, etc. The transport system in context also suffers from severe governance inadequacies. Poor decision making practices overwhelm almost all segments of the system. Implementation of legislation is tardy and operating practices are highly inefficient.

2.0 Objectives

1. To examine growth with role and importance of trucking industry in our economy.
2. To look at the governance issues affecting trucking industry.
3. To examine the impact of governance issue in trucking industry on Indian Economy in general and trucking industry in particular.
4. To suggest policy guidelines and recommendations on the basis of the industry.

3.0 Methodology

The methodology adopted for the study to meet the requirements and objectives of the study includes review of literature to gather insights, secondary data and information used, collection of primary information through field survey/observations etc. As the main objective of this study is to look at the current status and nature of trucking operation in India and examine the governance issues relating to trucking operations in India, we attempted a critical understanding of nature of trucking industry and governance issues which are affecting the growth of the sector. Thus, Economic growth and the significance of our study can be considered from a future policy framework perspective.

4.0 Governance Issues in Trucking Industry in India

Road Transport is one of the key elements in the context of growth and development of Indian Economic scenario in general and India's infrastructure in particular and therefore the need for according high priority to the transport sector flows virtually from the size of this country as well as from the geographical dispersal of its natural resources. Dalvi (1996) the development of the modern transport system brings many benefits, people and goods can be moved more rapidly, access to jobs and markets is made cheaper and faster than even before and firms supplying goods and services find the scale of their markets and hence their production transforms beyond recognition. More and better transport has no doubt been one of the main factors in India's Economic development during last sixty five years and more of economic planning. (Parihar, 2013). In all societies, transport has been a subject matter of regulation by Governments. Regulation may be broadly understood as an effort by state to address social risk, market failure or equity concerns through rule-based direction of social and individual action.

Moreover, governmental regulatory measures are normally aimed at setting right the imperfections that arise in the working of the system. These issues/challenges are being felt in all the modes of transport in general and road goods transport sector in particular. Thus there are many issues related to governance in the trucking industry and this is because the regulatory provisions governing the industry have been liberalized but a lot more is required.

Further, the regulatory framework aims at maintaining an efficient transport system through regulation relating to environment, operations and taxation. In India, the rules and regulations related to various components/tasks of trucking industry are governed by mainly Motor Vehicles Act 1988 along with other acts.² Motor Vehicle act 1988 has so far been amended three times in the years 1944, 2000 as well as 2001, and the Central Motor Vehicle Rules 1989 (CMVRs) have been amended in the year 2004 and 2005 to meet the encouraging requirements. The Ministry of Shipping, Road Transport and Highways (MoSRT&H) acts as a nodal agency for formulation and implementation of various provisions of the Motor Vehicle Act and CMVRs.

However, some of the earlier studies like (Sriraman et. al. 2006; Parihar, 2011) revealed that in the early stages of its development, the road transport mode in India was free from restrictions. Between 1903-1911 most of the provinces of India passed legislations to deal with the registration of vehicles. As vehicles (truck or so) numbers increased and their potential for good and the bad were unfolding, it became necessary for legislature to provide for some control.

However, it has been observed that despite of having various legislative and regulatory measures governing trucking industry on many aspects relating to environment, operation and many more, there are certain regulations and issues affecting the industry in current context, basically concerning to the issues of governance in the trucking industry in India, But the most important components were the absence of good governance which affects the trucking industry most are-

4.1 Enroute barriers

It has been observed that the movement of trucking industry on Indian roads is not completely barriers free. It is subjected to barriers relating to many rules and regulations. Sometimes with genuine reasons but most of the times just on the names of rules and regulations applicable for trucking industry, unnecessary barriers are being created for trucking operations on Indian roads due to rent seeking activities by various authorities. Parihar (2014) a truck can be stopped by any authority for any reason and at any place not only just state borders but within the state. It is found that the ineffective regulatory framework confined to commodity and location specific, a truck can be

booked in relation with nature of commodity (i.e. hazardous, essential, forest etc), fiscal content (i.e. tax content, tolls etc) and location wise (i.e. national, state, district borders, etc). During the course of current study, it has been observed when survey was being conducted on National Highway 8 and also asserted by many of the truck operators that some of the government officials like R.T.O. and their teams unnecessary detained their vehicle for any false reason and in return to make them go ahead, they asked for hefty amount. Again during survey, some drivers revealed that they are waiting at dhaba (Hotel) since last 6-8 hrs due to unnecessary harassment of Police and R.T.O. on NH.8 i.e. they found that R.T.O. will catch them without any reason and they will ask for money, and therefore they were just waiting for that R.T.O. to go from there and then only they would be able to move.

Those police and R.T.O. officials are least bothered about the inconvenience caused to not only truckers but other people too. Further, given the detention of trucks on highways leads to big traffic jams and inconvenience with reference to safety concerns too i.e. possibility of accidents. Moreover, the consequences of detention of vehicles are loss of time leading to underutilization of truck capacity, unavoidable consumption of fuel, corruption and graft. Parihar (2014) given the implication of low utilization of trucks in terms of operation the problem of viability arise i.e. sometimes the truck operations turns to be non viable.

Thus, it is understood that for any organization or an entity (irrespective of small or large) the operation must be viable for its growth and long term survival. This ultimately helps economy, in overall, to grow and attain maximum social welfare or betterment. Therefore, it is essential that trucking operations should create an economic surplus not only for the viability of operators, big or small, but also for the sake of the other stake holder who include customers, lending institutions and those who provided support services. Our study also found that despite of the efforts put in by government with reference to the development of highways for the smooth flow/movements of trucks on Indian roads with relatively better speed to save journey/trip time, the trucking industry is not really able to enjoy the fruits of improved road infrastructure due to enroute barriers of various forms. It has also been found that the trucking speed has improved during operation but relatively no improvement in trip time due to enroute barriers created by govt. officials via legislative and regulatory regions. Therefore, to make the operation of trucking industry more efficient, good practices need to be adopted via good governance otherwise this will lead to massive problem in future.

4.2 Administrative issues

Road freight transportation in India is subjected to many administrative activities at various levels. Government and its officials as an administrator can prove to be more beneficial for trucking operations in India if they happened to have good governance. There are many activities involved in trucking operation subjected to governance issues at administrative levels resulting into operational inefficiency. This could be possibly related to licensing and registration in trucking segment, corruption in trucking industry, highway safety measures, overloading etc. Parihar (2014), in India, the rules and regulations related to the driving license, registration of motor vehicle, control of traffic and maintenance of vehicles etc. are generated by the motor vehicle act 1988 and central motor vehicles rules 1989 and both the acts and rules being amended many times so far to meet the emerging requirement.

During the course of this study it has been observed that there is a very hectic and difficult procedure of license, registration, fitness certificate and many more like this i.e. some of the truck operator asserted that until you don't get help from agent, you do not get it done easily and in appropriate time, although many of the times the government claims that they have made the system and procedure very easy in terms of getting license, registration of vehicles etc.

It is also observed that in case of license and fitness certificate, these are issued even without proper cross check regarding the capability of a person to derive and condition of vehicle is fit for operators on Indian roads or not. What is the reason that vehicle is unfit? With reference to mentioned question, mostly the vehicles remain unfit due to pollution component. Moreover, in case of pollution certificate, the no pollution certificate gets issued to even more pollution creating vehicles. This can be easily seen on N.H.8 and even in Jaipur city also especially to the private local city buses, low floor buses, two wheelers etc. Since government has no adequate control on those who issue the no pollution certificate to the vehicles, this is because this particular task is being outsourced and these outsourced people just for some extra money without bothering the society issue the certificate i.e. this kind of activities encourages the corruptions in trucking industry in India. There are many other ways of corruption where truckers pay bribes at every stage of their operation, which starts with getting registration, fitness certificate and for the issuance of permit.

Further, one of the past study (MDRA, 2006) on corruption in trucking in India estimated that the bribe amount floating in the trucking operation has been worked out to be more than Rs 2200 core per year. In correct context we presumed it to be double and more to around Rs 50,000 crores. Probably, the reason for paying bribe includes overloading, traffic violation, parking and non parking zones, lack of proper documents

or alcohol abuse by truck driver, etc. However, the bribe is mostly paid at toll plaza or nearby area (as we have observed at GVK toll plaza on Jaipur-Ajmer expressway near Bagru, Jaipur), check points, state borders or during enroute stoppage by one or other agencies on pretext of checking documents. As R.T.O. and Police are the two key enforcement agencies since it can be easily seen on N.H.8 (Jaipur-Ajmer Expressway) where some of the government officials forcefully stop the trucks and trouble the operator and in return ask for many i.e. bribe to let them go. Further, this resulting into loss of productivity due to the stoppage is an important national concern. It is estimated that if forced delay is avoided, the trucking operations can improve by 30-40% and can lead to trucking operation towards more viability (in many cases).

Moreover, in case of overloading, given the road engineering in Indian context the overloading reduces the life of constructed road which leads to more financial burden on ex-chequer. Overloading also raises the issue of highway safety, another issue of trucking industry. Despite of all these, the legislative and regulatory measures which are being prepared for trucking operations are not followed fully and hence raise further many more issues. In addition to this, our study also found that on highways even now also truckers are provided with coupon by the road transport officials to allow overload trucks (as what we seen during observation survey on NH 8, NH 14).

4.3 Taxation and tolls

Basically, taxation of road transport has two purposes to charge road users for the costs they impose on the road system and to raise revenue for government. In trucking industry, another area where good governance practice is absent somehow i.e. governance issues in taxation and tolls. Although, toll is itself a kind of tax on trucking but has its own implications in different ways. In case of any kind of tax, which itself is a kind of sacrifice of current consumption also effects road freight transport industry very badly.

Very recently, government has brought new tax reform in our nation in the form of GST i.e. One Tax One Nation system. Although its implications and efforts would be seen in long run, but the experience of trucking industry from the tax system of past reflects that the procedure and execution would not be hassle free. In past, there were lots of taxes in trucking and various agencies at different-different levels really proved to be very complicated and heavy burden on the sector AITD (1999), the cost recovery mechanism has been based on what is popularly turned "two part" tariff principle which seek to recover fixed costs by imposition of taxes on vehicles registration, license, etc.

(First Part) and variable costs by use related levies such as fuel taxes, sales tax on spare parts etc. (Second Part).

It has been observed from past experience that the structure of taxes on motor vehicles is uneven with no regards for its economic effects. Taxation/taxes of various kinds often imposed without consideration of their distorting aspects. Even after implementation of GST, the picture of distorting aspects on trucking industry is not clear. This is because before GST, the major taxes levied on trucking industry include custom duty, CENVAT and central sales passenger and goods tax, state VAT, and toll taxes levied by the state government.

Thus, the earlier structure of taxes on road users was characterized by its multiplicity and therefore it had major governance issues. Our study is of the opinion that some governance issues in taxation should not continue, like earlier structure otherwise it will further hamper the growth of trucking industry in India i.e. what differentiate the tax system in India with that of taxation system practiced outside India is the delay and harassment in the tax recovery system.

In case of tolls, it is a charge levied on road users. Charging road users has purpose i.e. it is to provide a mechanism by which users pay for the costs they impose on the road as well as the benefits they enjoy from using the road (Parihar, 2011). Further, toll is a kind of tax which is fiscal related but has a major impact on the trucking operators and also having a major share as a tax with respect to operation related tax in the trucking industry. The main purpose of collecting tolls on some highways is to cover the operating costs and reimburse the capital investors (Parihar, 2014).

However, it has been observed that there exist lots of irregularities in toll system in India affecting trucking industry in negative way i.e. there are some governance issue in complete procedure of tolls system itself. The issue which are observed related to tolls includes no transparency in toll collection, corruption in allotting and collection of tolls, no neutral toll collecting agencies, lack of information on toll roads, tenure of collecting tolls, no proper base for charging tolls on National Highways, etc.

Further, during course of current study many truck drivers and operators asserted that at many toll plaza, many times, even after paying tolls as they move from toll gate immediately, police stops the truck and ask for bribe with the threat of document checks and other things. Sometimes local goons are standing immediately after toll (with the internal support of local authorities and police too) and take some money forcefully from truck drivers and if truckers denied them the truckers are beaten up and not allowed to move ahead safely. This is also a kind of 'rent-seeking' activities. Similar kind of activity has been observed at toll plaza near Bagru (Jaipur) on N.H.8 where police is available and stops trucks unnecessarily many times. It has also been observed that if a trucker

somehow manages to escape from those police fellows after toll plaza, there is always a patrolling of R.T.O. vehicle on some road and they also harass the truckers for rent seeking activities. Moreover, the public resented having up to put up with long queues and waiting time and looked upon them as hindrance instead of improved level of services. In addition to this, it is also found that commercial truck operators are opposing the tolls since they are already paying so many taxes and therefore feel that a significant share of their revenues are consumed by tolls. (Parihar, 2013) the toll consists of more than 10% of the total operating cost of trucking operations and also have an adverse impact on the viability by around 10-15% on the trucking operation in India.

Again, very recently, given the taxation issues relating to trucking industry i.e. implementation of GST on trucking sector, more than 90 lakhs (estimated) truckers began nationwide chakka jam against GST. It was to protest issues ranging from disruptive impact of the goods and service taxes to the extortion at R.T.O. barriers in States. Moreover, truck owners and operators were protesting "disruptive policies" under GST and were demanding the inclusion of diesel in the new indirect tax GST ambit. In other words, in totality, transporter decided to protest against officials, GST, diesel price hike and corruption on roads by observing a token "Chakka Jam" (strike) for two days i.e. on 9th and 10th October, 2017. Last but not least, the president of all India Motor Transport Congress (AIMTC) said that "contra laws" in the present GST regime has lead to coercive registration and unnecessary compliance by truckers and transporter. The sale of used business attracts GST, which leads to double taxation by the government.³

5.0 Conclusion

The study concluded that our economy is lacking good governance in many areas in general and trucking industry in particular due to various reasons direct or indirect. This is because the legislative and regulatory provisions governing these sectors/areas as well as bureaucracy involved in this is either not allowing or not willing to bring good governance this simply reflects that there exists imperfection in one or the other way, it could be in the form of policy making or its implication. The study also conclude that despite the fact that road transport mode serves as one of the key factors in the development process of our economy with the prime objective to provide mobility and passengers and materials, there are still various issues related to governance such as (participation, rule of law, transparency, responsiveness, consensus oriented, equity and inclusiveness, accountability, effectiveness and efficiency etc.) in the trucking industry.

The possible barrier in good governance could be attitudinal problem, lack of accountability, red tapism, less awareness, ineffective implementation of laws and rules.

Further, the study concludes that with reference to Enroute barriers, the movement of trucking industry on Indian roads is not completely barrier free. A truck can be stopped by any authority for any reason and at any place. This detention of trucks on highways leads to big traffic jam and inconvenience.

In terms of administrative issues, in case of license and fitness certificate along with pollution check, these are issues without proper check. There prevails corruption and the reason for paying bribe includes overloading, traffic violation, lack of proper documents, alcohol abuse by driver etc.

Regarding taxation and toll, the procedure and execution is not hassle free despite of recent tax reforms in the form of GST. The structure of taxes on motor vehicles is uneven with no regards for its economic effects i.e. taxes after imposed without consideration of their distorting aspects. In case of toll, there exists lots of irregularities affecting trucking industry in negative way i.e. issues relating to toll includes no transparency in toll collection, corruption in allotting and collection of tolls, lack of implementation on toll roads, tenure of collecting tolls etc. There is also some evidence of rent seeking activity.

Therefore, in this regard, firstly, a good governance system/practice need to be developed for overall system in general and trucking industry in particular with certain attributes such as participation rules of law, transparency, responsiveness, consensus oriented, accountability, effectiveness, efficiency, etc. Secondly, reform in regulatory and legislative regimes to support trucking industry is required in urgent basis, it includes-

- a) Hassle free movement be provided by removing enroute barriers through oriented action via reduction in unnecessary detentions.
- b) Proper check on certificate like pollution, fitness as well as issue of license and remove the system of agents/middlemen.
- c) Tax system should be simplified and toll system need to be improved.

Thus, given the importance of road transport and road good transport industry for Indian economy, it is need of hour to bring good practice into the system via good governance. Hence, in this regard a detail study is required.

Endnotes

1. Characteristics such as customer tailored schedules, easy availability, easy maneuverability and smaller cargo acceptance, flexibility in operation and organization and door-to-door

service. It entails small losses due to pilferage and damage and low packing expenses and is more economical in terms of total cost and time. As it possesses greater distributive ability in terms of delivery and collection, it is strategically more suitable for hilly, rural and inaccessible areas than railways, waterways and airways. It acts as a feeder services to all other modes of transport.

2. Driving license, registration of motor vehicles, Control of traffic, construction and maintenance of Motor Vehicles etc.
3. Times of India 9th October 2017, 90 lakhs truckers begin India-wide chakka jam against GST.

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