

NOTIFICATION

Home Department,
Mantralaya,
Madam Cama Marg,
Hutatma Rajguru Chowk,
Mumbai-400032.
Dated the 15th October 2016.

Motor
Vehicles Act,
1988.

No. MVR 0315/CR109/TRA-2 :- Whereas, the taxis operating in the cities of Maharashtra operates under permits issued under section 74 of the Motor Vehicle Act, 1988 and these Street Hail or Black and Yellow Taxis or Cool Cabs are allowed to pick up passengers from streets and also from designated stands and these taxis are required to be of a minimum engine capacity of 980 CC operate on CNG, and these taxis operate on regulated fare with meter and the number of permits of these taxis has been restricted;

And whereas, the taxis under Fleet Taxi Scheme of 2006 are high end (more than 1400 CC engine capacity and air conditioned) operating on existing permits issued originally for Black and Yellow taxis. Taxis under Phone Fleet Taxi Scheme, 2010 are also high end (more than 1400 CC engine capacity and air-conditioned) operating on permits, a limited number of which were auctioned and sold at then discovered price of Rs. 2.61 lakh per permit and Taxis under both schemes offer almost exclusively pre-book rides and the taxis are metered and use CNG as fuel.

And whereas, the vehicles operating under All India Tourist Permits issued under section 88 (9) of the Motor Vehicle Act, 1988 can be offered only to tourists for hire on time basis or on point to point basis within and outside the State and these taxis are regulated by the Central Motor Vehicle Rules, which are framed by the Central Government and have no regulation on fare or type of fuel.

And whereas, the App based aggregators are a recent entrance into this field. App based aggregators mostly use smart phones to connect a taxi and a commuter. The application is so designed that the driver of the taxi does not know the destination of the customer

nor does he determine the fare to be charged. These are determined by the aggregator software. For all practical purposes, the commuter has hired a taxi from such aggregator and the aggregator has offered such a services, and is, therefore, amenable to and required to be regulated alike any other taxi service provider.

And whereas, the App based taxis are operating in a manner which blurs the distinction between street hail taxi and pre-booked (for hire) taxis. Presently, a predominantly large number of taxis operating under such apps have All India Tourist Permits, but are essentially operating as city taxis and as there is difference in regulation and a regulatory convergence has to be brought about while retaining the advantages of efficient demand / supply matching, dynamic price discovery and better commuter experience and up-gradation / modernization of taxi services.

And whereas, the Government considers it expedient to make rules for regulating the licensing of such taxi permits.

Now, therefore, the following draft of rules of the Maharashtra City Taxi Rules, 2016 which the Government of Maharashtra proposes to make in exercise of the powers conferred by Section 74, sub-section (1) of section 89, section 93, sub-section (1) of section 95 and clause (xxviii) of sub-section (2) of section 96 of the Motor Vehicles Act, 1988 (59 of 1988), in its application to the State of Maharashtra and of all other powers enabling it in this behalf, is hereby published as required by sub-section (1) of section 212 of the said Act, for information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration by the Government of Maharashtra on or after the 5th day of November, 2016.

2. Any objections or suggestions which may be received by the Transport Commissioner, Maharashtra State Administrative Building, 4th Floor, Near Dr. Ambedkar Garden, Government Colony, Bandra (East), Mumbai 400051 or via email to feedback.tpt-mh@gov.in, from any person with respect to the said draft before

the aforesaid date will be considered by the Government.

DRAFT RULES

1. Short Title and Application.-(1) These rules may be called the Maharashtra City Taxi Rules, 2016.

(2) These rules shall be applicable in the Mumbai Metropolitan Region and may be extended to such other areas as notified by the Government, from time to time.

2. Definitions.- (1) In these rules, unless the context otherwise requires,-

(i) "Act" means the Motor Vehicles Act, 1988 (59 of 1988);

(ii) "Aggregator" means a person who is an operator or an intermediary / marketplace who canvasses or solicits or facilitates passengers for travel by a taxi or any other public service vehicle and who connects the passenger / intending passenger to a driver of a taxi or any other public service vehicle through phone calls, internet, web-based services or GPS/GPRS based services whether or not any fare, fee, commission, brokerage or other charges are collected for providing such services;

(iii) "Licence" means a Licence issued to an aggregator under these Rules;

(iv) "Licencee" means an aggregator who holds licence issued under these Rules;

(v) "Licensing Authority" means the Regional Transport Authority;

(vi) "Taxi" means a motor cab vehicle having valid permit under section 74 of the Act.

(2) Words and expressions used in these Rules and not defined herein shall have the same meanings respectively assigned to them in the Act and the rules made thereunder.

3. Licensee's Profile.-(1) No person shall act as an aggregator unless he holds a license issued under these Rules.

(2) The licence shall be granted to a firm registered under the Indian Partnership Act, 1932 (9 of 1932) or a company registered under the Companies Act, 2013 (18 of 2013).

(3) The licensee shall abide by all relevant statutes as may be applicable including the Motor Vehicles Act, 1988 and the Information Technology Act, 2000 and the rules made thereunder.

4. Operational Infrastructure.- (1) The Licensee shall have a registered office in the area of its operation and details of its headquarter including telephone number, e-mail ID and details of office in-charge shall be provided at the time of application by the licensee to the concerned licensing authority and such other authorities as may be notified.

(2) The Licensee shall either maintain a call centre or operate as an aggregator through an authorized call centre or web portal or App, details of which shall be provided to the concerned licensing authority and such other authorities as may be notified.

(3) The licensee shall maintain a web portal containing all details of its ownership, registered address, services offered, fare structure, insurance liabilities, control room number, name and contact details of a duly appointed grievance redressal officer.

(4) The licensee shall ensure adequate mechanism for receiving customers' feedback and grievances.

(5) The licensee shall ensure mechanism for protecting the rights of women employees as stipulated under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013).

(6) The licensee shall maintain a 24 X 7 control room with adequate manpower.

5. Vehicle Profile.-(1) No Taxi shall be offered for hire through an aggregator who is not registered under these rules.

(2) The Licensee shall ensure that every Taxi has a valid fitness certificate issued under the Act. The licensee shall maintain a fleet

of various types of taxis either owned or taken through an agreement with taxi permit holders. Each taxi shall have engine capacity of not less than 980 CC with seating capacity not exceeding seven including driver; provided that at least 50 percent of the total taxis attached to any aggregator shall have engine capacity of 1400 CC or more. Open type or non-hard top or fiber top vehicles are not allowed.

(3) The vehicles attached to any aggregator, shall be operated under a permit to be called the “App Based City Taxi Permit”:

Provided that, if any existing vehicle operating under permit granted under section 74 of the Act is attached to any aggregator, then such vehicle shall be deemed to be operating under this permit.

(4) Any person desirous of having City App Based Taxi Permit shall apply in the prescribed manner to the concerned Regional Transport Authority:

Provided that, it shall be open for such person to authorize any aggregator, through whom he intends to offer the services of the vehicle registered on such permit, to make an application on his behalf.

(5) The licensee shall ensure that each vehicle is equipped with temperature control device in proper working order:

Provided that, nothing in sub-rule (5) shall apply to Black and Yellow Taxi whose services are offered on web application.

(6) Any vehicle operating under these Rules should be driven on clean fuel *i.e.* unleaded Petrol or CNG or LPG or Hybrid or Electrical (power rating of electric vehicle will be specified by the State Transport Authority). Such vehicle should meet emission standards as prescribed from time to time by the Transport Authority. If the services of any existing working vehicle operating under some valid permit are intended to be offered through any aggregator, then the said vehicle shall be converted to be driven on clean fuel as mentioned above, within a period of one year from the date of commencement of these rules.

(7) Each vehicle operating under these rules shall have either fitted in the vehicle or separately in a mobile application of the driver of the vehicle, a GPS/GPRS based tracking device showing the path travelled and total distance covered. The device shall be in constant communication with the control room of the licensee while the taxi is on hire. In case of non-functioning of the said GPS/GPRS, the reason thereof shall be recorded by the licensee along with the duration during which the device was not functioning. The minimum specification of the devices shall be prescribed by the Transport Commissioner and may be changed from time to time.

(8) Such vehicle shall be suitably insured commercially as prescribed from time to time under the various laws applicable in India.

(9) The permit issued by the licensing authority shall be displayed at a prominent place in the vehicle.

(10) A separate colour scheme shall be as specified by the Government for all the taxis operating under App Based City Taxi Permit of the licensees under these rules:

Provided that black and yellow taxis, cool cabs and taxis under previous schemes may continue with their present colours.

(11) Any vehicle operating under these Rules is allowed to carry advertisement in accordance with the guidelines issued by the Licensing Authority from time to time.

(12) Any vehicle operating under these Rules may be equipped with a mobile radio, Web or application platform based two way communication system of the licensee.

(13) Any vehicle operating under these Rules shall be equipped with a first aid box containing the articles specified in rule 192 of Maharashtra Motor Vehicle Rules, 1989.

(14) Any vehicle operating under these Rules should be replaced by a new vehicle on completion of twenty years or any period as may be specified by the State Transport Authority from time to time.

(15) The details containing the photograph of the driver, license

number, Public Service Vehicle (PSV) Badge number and registration mark of the vehicle etc. shall be displayed prominently inside the vehicle, so that the same is directly visible to the passenger. These details shall also be made visible on the app and on the invoices issued to the customer.

(16) Helpline numbers of RTO, Police and Womens' Help line shall be prominently displayed inside the vehicle.

(17) No tinted glass or curtains or films shall be affixed on the vehicle.

(18) A feedback register easily accessible to the passenger shall be kept in the vehicle.

(19) The permit of the vehicle can be transferred in accordance with section 82 of the Act and Rules made there under.

(20) Vehicles operating under All India Tourist Permits issued under sub-section (9) of section 88 of the Act shall not be allowed to operate under these rules. However, such permit holders shall be allowed to convert the said permit to a permit under these Rules, provided that an application as provided in sub-rule (4) is made within three months from the date of commencement of these Rules.

(21) Operators of the Fleet Taxi Service Scheme 2006, Phone/Fleet Taxi Scheme 2010 and Call Taxi Scheme 2010 shall be deemed to be aggregators under this scheme and also any permit granted/ used for vehicle operating under the Fleet Taxi Service Scheme 2006, Phone/Fleet Taxi Scheme 2010 and Call Taxi Scheme 2010, subject to payment of fees as prescribed, shall be deemed to be a permit granted under these Rules.

(22) The owner shall be free to convert, as per provisions of the Act or Rules governing the same from time to time, any vehicle operating under a permit granted under these Rules to a private category vehicle or a vehicle operating under Section 88 (9) of the Act.

(23) Any black and yellow taxi shall be freely allowed to get attached to any licensee under these Rules by informing the

concerned Regional Transport Authority and by affixing such roof light on the vehicle as may be specified by such Authority. The permit under which such vehicle operates shall be deemed to be a permit granted under these Rules. Such black and yellow taxi which is so deemed to be operating under these Rules shall be allowed to revert to operate under their original permit as regular hail taxi by intimating the concerned authority in that behalf, provided that such an intimation may be made only after at least one month of operation attached to any licensee.

(24) The permit and the vehicle thereon attached to any licensee under these rules shall be freely allowed to be transferred to any other licensee under these rules, but only after at least one month of operation attached to the earlier licensee has elapsed.

6. Arrangements For Services.-(1) The licensee shall adhere to the provisions of the Act and the Rules framed thereunder and the terms and conditions as may be specified by the Authorities from time to time for operations under these Rules.

(2) Working hours of drivers are to be limited in accordance to the Motor Transport Workers Act, 1961 (27 of 1961).

(3) The licensee shall provide 24x7 services.

(4) The vehicles will be permitted to ply within the geographical limits of the licensing authority.

(5) The licensee's internet enabled application platform or digital based application platform, to be accessed by the passenger, shall display the following information for the passenger:

(a) The photo of the driver;

(b) Name, badge number, license number and mobile number of the driver;

(c) A photo of the vehicle with registration number;

(d) The applicable fare.

(6) The licensee shall ensure that at the end of every journey, a bill is generated and handed over to the passenger showing the distance

travelled, unit rate, along with taxes. However, such bills may also be sent through email or any other electronic means. Copy of the bills should also be maintained either electronically or in physical form by the licensee for a period of three months or such longer period as may be prescribed.

(7) The licensee shall develop and include a feature in its mobile application that provides the passenger a facility to share their real-time location with upto 5 people within their safety network and to contact local police in case of an emergency.

(8) The passenger must have the option to submit their grievances on difficulties faced during the travel via the web or through the mobile app or service telephone number. The licensee is liable to resolve the grievance and inform the passenger within fifteen days.

7. Driver's Profile.- (1) The driver shall have a valid commercial driving license to drive a Taxi and a valid Public Service Vehicle Badge issued by the Licensing Authority.

(2) The driver shall have adequate knowledge of the roads and routes of the area of operation so that the passengers are not inconvenienced.

(3) The driver on duty shall be in uniform as approved by the Licensing Authority or as per company's design.

(4) The driver shall be of good moral character without any criminal record. Any person who has been convicted within the past seven years of driving under the influence of drugs or alcohol, or has been convicted at any time for any cognizable offence under the Code of Criminal Procedure 1973, including fraud, sexual offences, use of a motor vehicle to commit a cognizable offence, a crime involving property dispute and/or theft, acts of violence or acts of terror shall not be engaged by the licensee.

(5) The Licensee shall be responsible for quality of drivers, their police verification, and their conduct with passengers. The Licensee shall also ensure that the drivers are safe, reliable and trustworthy. Police verification shall be done at the time of induction and at the

time of renewal of driving licence.

(6) Information regarding ownership of vehicles and the profile of drivers including their verification by the Police shall be ensured by the licensee and shall be provided to the Licensing Authority as well as Traffic Police.

(7) If the Licensee uses or causes or allows a vehicle to be used in any manner not authorized by the permit or provisions mentioned herein, the Licensee and the driver shall be jointly and severally responsible for any injury, harm, offence or crime committed by any person, including the driver.

(8) The driver shall always behave in a polite and courteous manner with the passenger.

(9) The licensee shall endeavour to hire as many women drivers as may be feasible.

(10) The licensee shall conduct structured refresher training programmes for its drivers including but not limited to safe driving skills, gender sensitization, passenger etiquette etc.

(11) The licensee shall ensure that the driver shall undertake such refresher trainings at least once in a calendar year. Such training programmes should be duly documented by the licensee.

(12) The licensee shall ensure that the driver undergoes an annual health checkup for ensuring his fitness to drive the vehicle.

(13) The driver will not pickup passenger by street hailing.

8. Application for grant or renewal of licence.- (1) Any firm or companies may make an application for grant of license accompanied by processing fee of Rupees One lakh in the form of Demand Draft/Online payment in favour of Regional Transport Officer/ Dy. Regional Transport Officer (RTO/DyRTO) and payable at the headquarters of the RTO/DyRTO.

(2) Any licence granted under these rules shall be valid for a period of five years from the date of grant.

(3) The licence granted under these rules may be renewed for a

period of five years subject to the satisfactory performance of the Licensee as per terms and conditions of these rules on an application at any time after completion of four and half years but not less than three months before the expiry of the license.

(4) If any of the conditions prescribed under these rules for grant or renewal of licence are not complied with by the applicant, the licencing authority may reject such application after giving the applicant a reasonable opportunity of being heard.

(5) On being satisfied that the applicant had complied with all the conditions prescribed for grant or renewal of the licence under these rules, the licencing authority shall issue a licence to the applicant or renew the same, as the case may be.

9. Fees.-(1)The Fee in respect of a licence shall be as mentioned in the Table below for each permit granted under section 74 of the Act.

Sr. No.	Type of Vehicle	Permit fees in rupees
1	Motor Cab having engine capacity less than 1400cc.	25,000
2	Motor Cab having engine capacity 1400 cc or more.	2,61,000

(2) The permit fees paid in respect of permits under the Fleet Taxi Service Scheme 2006, Phone/Fleet Taxi Scheme 2010 and Call Taxi Scheme 2010, shall be set off from the permit fees prescribed and payable as above. Further, no fees shall be payable in respect of permits deemed to have been granted under Rule 5 (23) for operation of Black and Yellow taxis or coolcabs.

10. Security Deposits.- Applicant for a licence under these rules shall furnish security by way of a Bank Guarantee of rupees Fifty lakhs per 1000 vehicles or part thereof, to be attached to the said licensee, with validity period of five and half years, drawn in favour of the concerned Regional Transport Officer or Dy. Regional

Transport Officer.

11. Fare.-The licensing authority shall prescribe the minimum and maximum limit for rates of fare, with respect to vehicles operating under permits granted under these Rules, which will be decided as per type of vehicle; provided that no such limits may be prescribed for vehicles with engine capacity of 2000 cc or more.

12. Induction Schedule.- The licensee shall comply with the Induction schedule for vehicles as given below —

- (i) 25% vehicles at the time of grant of licence.
- (ii) 50% vehicles within three months from grant of licence.
- (iii) 75% vehicles within six months from grant of licence.
- (iv) 100% vehicles within nine months from grant of licence.

Failure to adhere with the time line will entail a penalty fee of rupees 25,000 per month for a period of additional six months and thereafter, the licensing authority will be free to revoke the license and forfeit the bank guarantee. The licensee shall submit a compliance report of induction within 7 days of the prescribed time.

13. Power of licensing authority to Suspend or Cancel the License.-

(1) The licensing authority may, after giving an opportunity of being heard to the licensee, suspend or cancel the licence, if,-

- (a) the licensee has failed to comply with any of the terms and conditions of these rules; or,
- (b) an employee of licensee or driver of vehicle attached to the licensee is guilty of any misbehavior or misconduct with any passenger; or,
- (c) a complaint against the licensee by any passenger has been proved beyond reasonable doubt, the licensing Authority may suspend the license for a specified period or cancel the license.

(2) Where the Licensing Authority is of the opinion that having

regard to the circumstances of the case it would be necessary to cancel or suspend the license, and if the holder of the license agrees to pay a fine that may be imposed by the Licensing Authority, then notwithstanding anything contained hereinabove, the Licensing Authority may instead of suspending or canceling the license as the case may be, recover from the holder of the license the said fine.

(3) When the license is suspended or cancelled, the holder of the license shall surrender the license to the licensing authority.

14. Appeal. - (1) The licensee aggrieved by any order of the licensing authority may within thirty days of the receipt of the order, make an appeal to the Maharashtra State Transport Appellate Tribunal.

(2) An appeal shall be in the form of a memorandum in duplicate setting forth the grounds of for the appeal and shall be accompanied by fee as may be specified by the Government.

15. Miscellaneous. - (1) The holder of a license shall –

(a) Intimate any shifting of his office to the licensing authority.

(b) Keep the premises and all the records and registers maintained open for inspection at all reasonable times by the licensing authority or officers authorized by them.

(c) Submit from time to time to the department such information and return as may be called for.

(d) Display the License at a prominent place in its office.

(e) Maintain a serially numbered feedback register in all vehicles attached to it.

(2) The license shall not be transferred without prior written permission of the Licensing Authority.

(3) Any further continuation of permit/license of the existing licensees under the Fleet Taxi Service Scheme 2006, Phone/Fleet Taxi Scheme 2010 and Call Taxi Scheme 2010 shall be governed by the terms and conditions contained herein above.

(4) The Licensee may at any time surrender the license by prior

intimation of three months and on such surrender the Licensing Authority shall cancel the license. The holder of the license shall clear all dues before surrendering the license, failing which the license shall be deemed to be cancelled and the bank guarantee shall be forfeited.

(5) On such surrendering or cancellation of the licence, the permit holders attached to such licensee will be permitted to operate the taxi under “App Based City Taxi permit” attached to another licensee or convert it to other permits as per the relevant rules.

(6) The licensee shall comply with all applicable insurance requirements as may be applicable under the law.

(7) The licensee shall undertake to indemnify and protect the Licensing Authority and the Government from and against all actions, suites, proceedings losses, costs, damages, charges, claims and demands of any nature and description brought against the Licensing Authority and Government by reason of any act or omission of the licensee, his agents or employees or, during the validity of the license or in the guarding of the same.

(8) The jurisdiction for settlement of any disputes between the Aggregator and the State Government through Courts under this scheme shall be at the headquarters of the Licensing Authority.

By order and in the name of the
Governor of Maharashtra,

(Prakash Sabale)

Deputy Secretary to Government.