

HOME DEPARTMENT

2nd floor, Mantralaya, Mumbai-400032.

dated the 2015

NOTIFICATION

Motor Vehicles Act, 1988.

No. MVR----/CR-----/ TRA-2: The following draft of the rules, to further amend the Maharashtra Motor Vehicles Rules, 1989, which the Government of Maharashtra proposes to make in exercise of the powers conferred by section 93 and sub-section (1) of section 95 and sub-section (1) and clause (xxviii) of sub-section (2) of section 96 of Motor Vehicles Act, 1988 (59 of 1988), and of all other powers enabling it in this behalf, 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 after fifteen days from the date on which this draft notification is published in the *Official Gazette*.

2. Any objections or suggestions which may be received by the Additional Chief Secretary to the Government of Maharashtra, Home Department (Transport), 2nd floor, Mantralaya, Mumbai-400032. from any person with respect to the said draft on or before the aforesaid period will be taken into consideration by the Government.

DRAFT RULES

1. These rules may be called the Maharashtra Motor Vehicles (----- Amendment) Rules, 2015.
2. In rule 2 of the Maharashtra Motor Vehicles Rules, 1989, after clause (a) of sub rule (1), following shall be added, namely:-
“(aa) “Aggregator” means a taxi service provider or an operator who acts as a digital intermediary for a passenger to connect with a driver, by means of a mobile phone/web application or through a call centre or by any other

advance technology, of a public service vehicle having a valid permit granted **under section 74 of** Motor Vehicles Act, 1988 or Rules made thereunder by the Central or State Government.”

3. In rule 78 of Maharashtra Motor Vehicles Rules, 1989, after clause (c) of sub-rule (2), following shall be added, namely:-

"(d) The vehicle shall not be offered for hire through an aggregator who is not duly registered with the Transport Department."

4. In rule 78 of Maharashtra Motor Vehicles Rules, 1989, sub rule (3) will be replaced as follows,

“(3) – A permit in respect of a public service vehicle may be subject to one or more of the following conditions, namely :-

(a) That the holder shall make provision on such vehicle for the conveyance of a reasonable quantity of passenger’s luggage with efficient means for securing it and protecting it against rains.

(b) That the holder from the date and in the area as notified by the State Government shall fit a GPS/GPRS device in his vehicle conforming to the specifications prescribed by State Government.

5. After the rule 121 of Maharashtra Motor Vehicles Rules, 1989, rule 121(A) shall be inserted:-

“121(A) No person will act as an ‘aggregator’ unless registered with Transport Department. The State Government may, by notification in official gazette specify conditions for such registration.

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

HOME DEPARTMENT
2nd floor, Mantralay, Mumbai 400005

dated the 2015

NOTIFICATION

Motor Vehicles Act, 1988.

No. MVR----/CR-----/ TRA-2: In exercise of the powers conferred by section 93 and sub-section (1) of section 95 and sub-section (1) and clause (xxviii) of sub-section (2) of section 96 of Motor Vehicles Act, 1988 (59 of 1988), and rule 121-A of the Maharashtra Motor Vehicles Rules,1989 and of all other powers enabling it in this behalf, the Government of Maharashtra hereby publishes a scheme namely “ City Taxi Scheme 2015” for licencing of Taxi Service Providers including Aggregator of taxis. The Fleet Taxi Service Scheme 2006, Phone/Fleet Taxi Scheme 2010 and Call Taxi Scheme 2010 shall be merged with this scheme. The scheme will be applicable to Mumbai Metropolitan Region and may be extended in rest of Maharashtra.

CITY TAXI SCHEME-2015

1. LICENSEE’S PROFILE

1. The licensee shall be a taxi service provider.
2. The licence will be granted to a firm or a company registered under the Companies Act, 1956 mandated to provide public transport services.
3. The licensee will abide by all relevant statutes as may be applicable including the MV Act, 1988 and the IT Act, 2000 (as amended from time to time) and the rules made thereunder.

II. OPERATIONAL INFRASTRUCTURE

1. The Licensee shall have a registered office in **Mumbai Metropolitan Region** and details of its headquarter including telephone number, e-mail ID and details of office in-charge shall be provided by the licensee to the transport department at the time of application. ”
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 department
3. The licensee shall maintain a fleet of minimum **1000 and maximum 4000** taxis either owned or through an agreement with individual taxi permit holders. **However, maximum 2500 permits will be issued to a licensee in first phase.**
4. 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.
5. The licensee shall ensure adequate mechanism for receiving customer’s feedback and grievances.
6. The licensee shall ensure stipulated mechanism for protecting the rights of women employees as per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
7. The licensee shall maintain a 24 X 7 control room with adequate manpower.

III. VEHICLE PROFILE

1. Licensee shall ensure that every Taxi has a valid fitness certificate issued by the Transport Department, and has an engine capacity of not less than 980 CC with seating capacity not exceeding 7 (seven) inclusive of driver. Open type or non—hard top or fiber top vehicles are not allowed.
2. The licensee shall ensure that each Taxi is equipped with temperature control device in proper working order and is fitted with working electronic digital fare meter on the front panel (dashboard).

3. The Taxi should be driven on clean fuel i.e. Petrol and CNG/LPG/Hybrid/Electrical (power rating of electric vehicle will be specified by the STA). The Taxi should meet emission standards as prescribed from time to time by the Transport Department.
4. Taxi shall be fitted with GPS and GPRS based tracking device, printer, and a display panel showing the path traversed 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 closure of the said GPS, the reason thereof is to be recorded by the licensee along with the duration of such closure. The minimum specification of the devices will be prescribed by Transport Department and may be changed from time to time.
5. The Taxi shall be suitably insured commercially as prescribed from time to time under applicable Laws of India.
6. Every Taxi shall have a valid contract carriage permit issued by the Transport Authority under section **74 of the MV Act** to operate as a Taxi. The permit issued by the transport authority shall be displayed at a prominent place in the Taxi.
7. The colour of the Taxi shall be as approved by the concerned transport authority for the licensee.
8. A LED display panel visible from both front and rear should be installed on the roof of the Taxi to indicate that the vehicle is a Taxi and whether it is available (green indicator) or occupied (red indicator). The dimensions of the LED display panel shall conform to those prescribed by the State Transport Authority from time to time.
9. The Taxi is allowed to carry advertisement in accordance with the guidelines issued by the State Transport Authority from time to time.
10. The Taxi may be equipped with a mobile radio, Web or application platform based two way communication system of the licensee.
11. Taxi shall be equipped with a first aid box containing materials specified in rule 192 of Maharashtra Motor Vehicle Rules, 1989.
12. Taxi should be replaced by a new vehicle on completion of **20 years** or as may be decided by State Transport Authority from time to time.
13. The details containing the photograph of the driver, license number, PSV Badge number and registration mark of the vehicle etc. shall be displayed prominently inside the taxi, so that the same is directly visible to the passenger.

14. RTO Help line number, Police Help line number and Women's Help line shall be prominently displayed inside the Taxi.
15. No tinted glass or curtains or films shall be affixed on the taxi.
16. A feedback register easily accessible to the passenger shall be kept in the Taxi
17. The permit of the vehicle can be transferred in accordance with section 82 of the Motor Vehicles Act 1988 and rules made there under.
18. The existing permit holders can also apply for permits under the City Taxi Scheme provided their vehicles meet all the requirements of the scheme and is not more than 4years old at the time of induction. However, this clause shall not apply to the vehicles registered under The Fleet Taxi Service Scheme 2006, Phone/Fleet Taxi Scheme 2010 and Call Taxi Scheme 2010 which shall be converted to new scheme.
19. The owner shall be free to convert the taxi to private category vehicle as per provisions of Act/Rules governing the same from time to time.

IV. ARRANGEMENTS FOR SERVICES

1. The licensee shall adhere to the provisions of Motor Vehicle Act, 1988 and rules framed thereunder and the terms and conditions prescribed by the Transport department from time to time for providing the Taxi services
2. Working hours of drivers is to be limited in accordance to the Motor Transport Workers Act, 1961.
3. The licensee may seek passengers through telephone calls, mobile or web based applications
4. The licensee shall provide the Taxi services round the clock. '
5. The Taxi is permitted to ply within the geographical limits of the Mumbai Metropolitan Region.
6. 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 Taxi driver;

- b. Name, badge number, license number and mobile number of the driver
 - c. A photo of the Taxi with registration number
 - d. The applicable fare.
7. The licensee shall ensure the facility of a panic button in the Taxi so that in case of any distress, the signal is transmitted to the control centre of the licensee and there from, to the nearest Police Station / Police Control Room, as also a hooter to raise alarm in case of mishap.
8. 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. Copy of the same should also be maintained either electronically or in physical form by the licensee for a period of three months.
9. The licensee shall develop and include a feature in its mobile application that provides the rider facility to share their location with upto 5 people within their safety network.
10. The licensee shall develop and include a feature in its mobile application that gives the rider facility to contact local police in case of an emergency.
11. The rider 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 rider within fifteen days.

V. 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 Transport Department.
3. The driver shall have adequate knowledge of the roads and routes of Mumbai Metropolitan Region so that the passengers are not inconvenienced.
4. The driver on duty shall be in uniform as approved by the department or as per company's design.
5. 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 drug or alcohol, also has been convicted at any time for any cognizable offence under the Criminal Code of 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 must not be engaged by the licensee.

6. 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 totally safe, reliable and trustworthy. Police verification shall be done at the time of induction and at the time of renewal of driving licence.

7. Information regarding ownership of taxis and profile of drivers including their verification by the Police shall be ensured by the licensee and shall be provided to the Transport Department as well as Traffic Police.

8. If the Licensee uses or causes or allows a Taxi 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.

9. The driver shall always behave in a polite and courteous manner with the passenger.

10. The licensee shall endeavor to hire as many women drivers as may be feasible.

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

12. 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.

13. The licensee shall ensure that the driver undergoes an annual health checkup for ensuring his fitness to drive the Taxi.

VI. GRANT, DURATION AND RENEWAL OF LICENCE

1. The application for license shall be submitted to **Secretary, Mumbai Metropolitan Regional Transport Authority** and accompanied by a processing fee of **Rs.1,00,000/- (Rupees one lakh)** in the form of a Demand Draft drawn in favour of concerned Regional Transport Officer and payable at Mumbai.
2. Fee Rs. 25,000/- will be levied for each permit granted under section 74 of Motor Vehicle Act 1988.

3. After scrutiny of application and upon being found eligible, license will be granted for a period of five years upon furnishing a Bank Guarantee of **Rs.Fifty lakhs**, with validity period of five & half years, drawn in favour of the concerned Regional Transport Officer.
4. The license shall be renewable for a further period of five years at a time, subject to the satisfactory performance of the Licensee as per terms and conditions of the scheme. The applicant may submit an application for renewal of license at any time after completion of four and half years but not less than three months before the expiry of the license. A renewed/fresh bank guarantee of **Rupees Rs. 50 lakhs** with validity of five & half years shall be payable for each renewal. Processing fee of Rupees **1,00,000/-** shall also be paid at the time of renewal.

VII. FARE

1. The Licensee shall charge fare and comply all other conditions as prescribed by the concerned transport authority from time to time.
2. Fare will be decided as per cost of vehicle / engine capacity of the vehicle.

VIII. INDUCTION SCHEDULE

1. The licensee shall comply with the Induction schedule for Taxi as given below —
 - i) 250 Taxi at the time of grant of license;
 - ii) 500 taxi within three months of grant of license.
 - iii) 1000 Taxi within 6 months of grant of license.
 - iv) Remaining taxi in 9 months of grant of license.

Failure to adhere with the time line will entail a penalty fee @ Rs.25,000/— per month for a period of additional six months and thereafter, the Department will be free to revoke the license and forfeit the bank guarantee of Rupees Rs. 50 lakhs. The licensee shall submit a compliance report of induction within 7 days of the prescribed time. The Licensee shall also ensure maintenance of minimum fleet of 1000 Taxis at all times after the induction period failing which license will be liable for cancellation alongwith forfeiture of bank guarantee.

2. Lead time of three months will be permissible for existing vehicles covered under permit granted under section 88(9) of the Motor Vehicle Act, 1988 to change their permit under section 74 of the Motor Vehicle Act, 1988.

IX. SUSPENSION / CANCELLATION OF THE LICENSE

1. If the Licensing Authority after giving the licensee an opportunity of being heard, is of the opinion that-

a. The licensee has failed to comply with any of the terms and conditions as detailed herein above; or,

b. The licensee has failed to maintain the Taxi in compliance with the provisions of the Motor Vehicles Act and or Rules framed thereunder; or,

c. An employee of licensee is guilty of any misbehaviour or misconduct with any customer; or,

d. A complaint against the licensee by any ,customer 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 cancelling 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.

X. APPEAL

1. Any person aggrieved by any order of the Licensing Authority may within thirty days of the receipt of the order, make an appeal to the State Transport Appellate Tribunal.

2. An appeal shall be preferred in duplicate in the form of a memorandum setting forth the grounds of objections to the order of the Licensing Authority and shall be accompanied by fee as may be specified by the Government.

XI. MISCELLENOUS

1 The holder of a license shall –

- a. Not shift the registered office in Mumbai Metropolitan Region mentioned in the license without the prior intimation to the Transport Commissioner.
- b. Keep the premises and all the records and registers maintained and Taxi open for inspection at all times by the Transport Department.
- 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 report in all its Radio Taxi.

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 on 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 taxi license shall be deemed to be cancelled and the bank guarantee shall be forfeited. ’

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

6. The licensee shall undertake to indemnify and protect the Transport Department from and against all actions, suites, proceedings losses, costs, damages, charges, claims and demands of any nature and description brought against or recovered from Transport Department by reasons 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.

7. The jurisdiction for settlement of any disputes through Courts under this scheme shall be at Mumbai.

8. The department reserves the right to change any or all of the above terms and conditions in public interest.

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