

**DEPARTMENT OF PUBLIC RELATIONS
CHANDIGARH ADMINISTRATION**

Press Release

Chandigarh, 3rd August, 2016: In exercise of the powers conferred by sub-section(1) of Section 212 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988) The Administrator, Union Territory, Chandigarh has proposed to make the following rules.

Notice is hereby given that draft will be taken into consideration by the Chandigarh Administration on or after the expiry of 15 days from the date of publication of this notification in the official gazette, together with any objection or suggestion, which may be received by the Secretary (Transport), Chandigarh Administration from any person before the expiry of the period so specified with respect to the said draft, namely:-

DRAFT RULES

Whereas it is necessary to promote and ensure the compliance with law and safety of passengers that use on-demand IT based transportation aggregator platforms within a particular jurisdiction and ensure a greater integrity of process and operation of the on-demand transportation aggregator platforms;

Whereas on 8.10.2015 the Central Government issued advisory to the State Governments detailing therein the aspects to be taken into account for the aforesaid purpose;

Whereas Section 93 of the Motor Vehicles Act, 1988 requires that any person engaged in soliciting customers for travel by public service vehicles is required to obtain a Licence from the appropriate authority and such Licence shall be subject to such conditions as may be prescribed by the State Government;

Now, therefore, in exercise of the powers conferred by Sections 93, 95(1) and 96(1) read with Section 212 of the Motor Vehicles Act, 1988, the Chandigarh Administration hereby notifies the following rules:-

Title, Extent and Commencement- (i) These rules may be called the Chandigarh Administration On-demand Transportation Technology Aggregators Rules, 2016.

- (ii) These shall be applicable to Aggregators operating in the Union Territory of Chandigarh.
- (iii) They shall come into force from the date of their publication in the official gazette.

1. **Definitions** - In these Rules, unless the context otherwise requires –

- (i) “Act” means the Motor Vehicles Act, 1988 (Central Act 59 of 1988).
- (ii) “Aggregator” means a person who is an aggregator or operator or an intermediary/market place who canvasses or solicits or facilitates passengers for travel by a taxi and who connects the passenger/intending passenger to a driver of a taxi through phone calls, internet, web-based services or GPS/GPRS based services whether or not any fare, free, commission, brokerage or other charges are collected for providing such services.
- (iii) ‘Form’ means form appended to these rules.
- (iv) “Licence” means a Licence issued to an aggregator under these Rules.
- (v) “Licencee” means an aggregator who holds licence issued under these rules.
- (vi) “Licencing Authority” means the State Transport Authority, U.T. Chandigarh.
- (vii) “Taxi” means a motor cab having a seating capacity not exceeding 6 passengers excluding the driver with public service permit on contract.
- (viii) Words and expressions used in these Rules and not defined herein shall have the same meanings assigned to them in the Act and the Chandigarh Motor Vehicle Rules, 1989.

2. **Necessity of Licence** – No person shall act or permit any other person to act as an aggregator, unless he holds an effective licence issued to him under these Rules.

3. Eligibility Conditions For Obtaining Licence -

- (i) The applicant must be a company registered under the Companies Act, 2013 (Central Act 18 of 2013) or a firm registered under the Indian Partnership Act, 1932 (Central Act 9 of 1932).
- (ii) The applicant shall comply with all applicable rules and regulations prescribed under the Act and also the Information Technology Act, 2000, including the intermediary guidelines.
- (iii) The applicant shall not own or lease any vehicle, employ any driver or represent himself as a taxi service provider, unless also registered as a taxi operator under the applicable law.
- (iv) The applicant/operator must have published a policy on taxi fare, registration of taxis and drivers with its platforms/application, sharing of fares with taxi owners and drivers, safety of passengers, grievance redressal mechanism for passengers etc which shall be followed meticulously and transparently.
- (v) The applicant/operator must have a 24x7 call centre .
- (vi) The operator may brand the vehicles.
- (vi) The applicant must have a fleet of minimum 100 taxis either owned or through an agreement with individual taxi permit holders.
- (vii) The applicant must have facilities for monitoring the movement of taxis with the help of GPS, GPRS, alongwith a control room facility.

4. Procedure for grant/renewal/transfer of licence

- i) An application for the grant of licence in Form - I of Appendix- I appended to these rules, shall be accompanied by the proof of payment of appropriate fee and other security deposits and other relevant documents as required in Form 1.

- (ii) A licence granted under these rules shall be valid for a period of five years from the date of issuance, subject however, to the satisfactory performance of the licensee/ Aggregator. A licence granted under these rules may be renewed for a period of another five years on an application in Form-I, made not less than sixty days before the date of its expiry, subject to fulfillment of all the conditions prescribed for grant of a licence.
- iii) 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 an opportunity of being heard.
- iv) On being satisfied that the applicant has complied with all the conditions prescribed for grant or renewal of a licence under these rules, the licensing authority shall issue a licence to the applicant in Form-2 of Appendix -I appended to these rules or renew the same, as the case may be.
- v) A licence issued or renewed under these rules may be transferred to the legal heir in case of death of the licensee on application made by the legal heir. In other cases, the licence may be transferred on a joint application being made by the transferor and transferee, subject to fulfilment of all the conditions by the transferee.
- vi) Where the licence is lost or destroyed, an application for issue of a duplicate licence shall be made along with the prescribed fee. A duplicate licence so issued shall be marked "Duplicate" in red ink.

5. Requirements in respect of Vehicle - Every taxi, for the purpose of inclusion in a licence, shall –

- i) be covered with a contract carriage permit issued under Section 74 or under sub-section (8) of Section 88 of the Act.
- ii) Only Contract Carriage Permit vehicles bearing Registration Number of Chandigarh be pressed into Web Taxi Service. However, the vehicles registered with the State of Punjab & Haryana carrying "All India Tourist Permit" can also be used for this service in the Union

Territory of Chandigarh by paying entry fee @ Rs.1000/- per quarter or as

- iii) decided by the Transport Department, Chandigarh Administration, from time to time.
 - iv) have a display board inside the Taxi containing vehicle permit and the driver's details such as photograph, name, Driving Licence No. and ID card issued by the STA/Police authorities. The display board shall be clearly visible to the passengers in the Taxi.
 - v) be capable of being tracked continuously with GPS/GPRS facility with a provision of a panic button for the use of the passengers, capable of alerting the control room of aggregator as well as local police without any hindrance or interference by the driver.
 - vi) be fitted with single integrated GPS/GPRS capable vehicle tracking unit with Printer, display panel and digital fare meter, as per the specifications in Appendix II, capable of generating a printed receipt to be given to the passenger(s).
 - vii) fitted with a yellow coloured display board with words "Taxi" visible both from the front and the rear. The board shall be capable of being illuminated during the night hours.
6. **Driver's qualifications** - The Driver of a Taxi shall have the following qualifications.
- i) He must be the holder of a licence to drive light motor vehicles (Transport).
 - ii) He must be having a minimum driving experience of 2 years.
 - iii) He must be the resident of Chandigarh or any of the neighbouring State i.e. Punjab, Haryana and Himachal Pardesh for the last one year.
 - iv) The Licencee shall employ/**register** him after due police verification by the concerned State Police only.
 - v) He must be a holder of Reserve Bank of India(RBI) KYC compliant bank account .
 - vi) The driver of a Taxi must be of good character and shall behave in a civil and orderly manner with the passengers or intending passengers and shall not give room for any complaints from them and shall not

indulge in any touting activities or force or compel the customers to use his services.

vii) The driver of a taxi should not have been convicted within the past seven years, for the offence of driving under the influence of drugs or alcohol, or any cognizable offence under the Criminal Procedure Code, 1973, including fraud, sexual offences, use of a motor vehicle to commit a cognizable offence, a crime involving property damage, theft, acts or violence or acts of terror.

7. **Hire Charges** – (i) On behalf of the owner of the vehicle, the driver or the aggregator shall collect hire charges from the passengers as per the fare indication method stated in clause (v) of rule 6 of these rules.

ii) In any case, the fare including any other charges, if any, shall not be higher than the maximum fare fixed by the Chandigarh Administration from time to time.

iii) No passenger shall be charged for dead mileage and the fare shall be charged from the point of boarding to the point of alighting.

iv) The licensee shall publish a fare policy and attach a copy along with application form. No change in fare policy shall be made without 30 days advance notice to State Transport Authority, U.T. Chandigarh, with a copy of amended draft. Such advance notice shall be made on website also for public information.

8. **General Conditions To Be Adhered By The Licensee**

I **For Administrative purposes, the Licensee must:**

i) provide an address within the area of operation in the jurisdiction of the Union Territory of Chandigarh for registered service of process along with details of Office in charge and shall neither shift his place of business, nor any of his branches as mentioned in the licence or open a new branch, without a written permission from the licencing authority.

- ii) maintain records, in digital form of all the taxis at his control, indicating on a day to day basis, the trips operated by each vehicle, details of passengers who travelled in the vehicle, origin and destination of the journey and the fare collected. The record so maintained shall be open for inspection by an officer nominated by the licencing authority at any time.
- iii) provide a list of drivers using the on-demand technology transportation platform, including the full name of the driver, driver license number, the vehicle registration number and the chassis and engine number or in electronic format as prescribed by State Transport Authority, U.T. Chandigarh.
- iv) ensure that its web or mobile application ensures compliance with the Permit conditions of the vehicle being operated by drivers using the Licensees on-demand transportation platform. Provided that only Licensees who are deemed to be Transport Service Providers under this directive shall be required to comply with this clause.
- v) establish a driver training programme for drivers that use an on-demand transportation technology platform ('drivers') prior to the driver being able to use the platform. The driver training programme must include familiarisation of drivers with the law applicable to mechanically propelled vehicles, road safety, Motor Transport Workers Act, 1961 and a gender sensitization programme.

II In order to promote passenger safety, the Licencee must:

- i) ensure that the on demand technology transportation aggregators web or mobile application to connect drivers to riders displays for the passengers, a clear picture of the driver and a picture or description (including license plate number)of the vehicle and such other details that allows the rider to verify that the driver of the vehicle is person whose details the rider has received via the on-demand technology transportation aggregator.

- ii) develop and include a feature in the mobile application that provides riders, the ability to share their location with a minimum 2 numbers persons within their safety network .
- iii) develop and include a feature in the mobile application that gives rider the ability to contact local police in case of an emergency.
- iv) enable data transfer of the location of vehicle, vehicle and driver to the data network of the State Transport Authority whenever demanded.
- v) verify the criminal background of each driver wishing to use the on-demand transpiration technology platform through police verification.
- vi) verify vehicle information registered on the on-demand transportation technology platform with the information available with the Ministry of Road, Transport and Highways and or the State Transport Department on an annual basis.

III Obtain the up-to-date records relating to the driver such as:

- (i) a photograph of the driver;
- (ii) the driver's driving license;
- (iii) the driver's vehicle license plate number;
- (iv) current home address of the driver;
- (v) RBI KYC bank account details of the driver;
- (vi) Driver's contact information;
- (vii) Self attested Epic card/Pan Card;
- (viii) Residential address proof of the driver;
- (ix) Contact details and address of two family members;

IV Obtain the following up-to-date records relating to the driver's vehicle such as:

- i) Certificate of Registration as prescribed under the applicable laws of India;

- ii) Certificate of Fitness as prescribed and issued under the applicable laws of India;
 - iii) Permit or any other documents as prescribed and issued under the applicable laws of India, including but not limited to an All India Tourist Permit or Contract Carriage Permits issued by the STA, U.T. Chandigarh.
 - iv) Chassis and engine number ;
 - v) Commercial insurance policy covering for third party risks as prescribed from time to time under the applicable laws of India.
 - vi) Have the ability to track the real-time GPS location of the vehicles that make themselves available for duty on the licensee must also ensure that their web or mobile application can track and is inter-operable with the physical GPS device fitted to the vehicle.
- V)** In the event of an incident of a criminal nature happened during a trip booked on-demand transportation technology platform through the Licensee, the Licensee will immediately inform and cooperate with relevant authorities upon lawful request.
- VI)** The Licensee must establish and implement a policy of zero tolerance for discrimination or discriminatory conduct while a driver is logged into the on-demand mobile application. Discriminatory conduct may include:
- i) refusal of service;
 - ii) using derogatory or harassing language directed at passenger;or
 - iii) rating a passenger on the basis of sex, race, caste, creed, religion, or nationality.
- VII)** The licensee shall, upon receiving a written complaint from a passenger submitted through regular mail or electronic means containing a reasonable allegation that the driver using the on

demand transportation technology platform violated the zero tolerance policy for discrimination, immediately suspend the driver till the time the investigation is complete by the Licensee.

VIII)

- i) A driver shall not refuse to provide service to an individual with a disability solely because the individual's disability results in bad appearance or involuntary behaviour that may offend, annoy, or cause inconvenience to the driver or another person.
- ii) However, it shall not constitute discrimination under this paragraph for a driver to refuse to provide service to an individual with disabilities on account of their own violent, seriously disruptive, or illegal conduct.

IX) The Licensee must implement a zero tolerance policy on the use of drugs or alcohol by any driver and upload the zero tolerance policy on its website, as well as the procedures to report a complaint about a driver with whom the passenger was matched and who, the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the ride and immediately deactivate the said driver's access to the Platform upon receipt of a passenger complaint alleging a violation of the zero tolerance policy. The suspension shall last the duration of the investigation by the licensee.

X) The licensee shall not shift the principal place of business from the U.T. of Chandigarh without informing the Licensing Authority in writing.

XI) The on-demand transportation technology platform shall also inform the Licensing Authority regarding a change in control or ownership of the Licensee.

XII) The State Transport Authority U.T. Chandigarh may notify the maximum fares to be charged according to the provisions of the Motor

Vehicle Act to provide a level playing field with taxi service providers and licencee shall frame its fare policy in accordance with it.

XIII) The Licencee shall be under obligation to convey any emergency message/advisory as conveyed by State Transport Authority,U.T. Chandigarh to its passengers/driver through its own portal/sms blast at the cost of licencee.

XIV) The Licencee shall get the CCTV installed in the vehicles which should be linked with Control Room established by licencee and also to maintain such data for atleast one month.

10. Transparency

- i) The On-demand transportation technology platform must provide a feature to convey to the rider the distance and time travelled (based on the metering indicted by the device) and consideration to be paid by a passenger/rider for the trip undertaken and upon completion of a trip, shall transmit or cause to be transmitted an electronic receipt to the passenger's email address or mobile phone or mobile application or in hard copy documenting the origination and destination of the trip and a description of the total amount paid, if any and the name of the person or entity on whose behalf the receipt is issued.
- ii) The riders must be facilitated either via the web or in a mobile app or through a customer service telephone number and an email address to submit their grievances or difficulties faced during travel. An adequate and easy to access Grievance Redressal Mechanism shall be put in place by licencee before start of operation. The phone number/website/e-mail address of STA shall also be displayed on licencee's website
- iii) The Licensee shall be permitted to digitally provide for all features mandated physically by any applicable scheme or rule or permit

condition made by the State Transport Department or the Department of Weights and Measures.

11. Cancellation of License.

- I) The Licencing Authority may, after giving an opportunity of being heard to the licensee, suspend or may cancel the licence, if :-
 - i) the licensee fails to comply with any of the requirements or conditions of these rules, or
 - ii) any driver of a Taxi operated by him violates any requirements or
conditions of these rules, or
 - iii) a passenger's complaint of misbehaviour or misdemeanour on the part of the driver or the licensee or any of his employees is found to be correct after enquiry or
 - iv) a criminal complaint is filed against the licensee or his employees or the driver

- II) Where a licence is suspended or cancelled, the licensee shall surrender the licence to the licencing authority within three days of receipt of order of suspension or cancellation and shall immediately stop all operations under the licence.

- III) Where the licence is liable to be suspended or cancelled and the licensing authority is of the opinion that it would be expedient to impose a fine on the licence in lieu of suspending or cancelling the licence, the licensing authority may require the licensee to pay a fine which shall not be less than Rs.5000/- but not exceeding Rs.10000/-.

- IV) The licensee may, at any time, voluntarily surrender the licence for cancellation. On such surrender of the licence, the security by way of bank

guarantee if any, shall be returned to the licensee after payment of outstanding dues, if any.

12 Appeals – (i)The licensee aggrieved by any order passed by the licensing authority may, within 30 days of receipt of the order, appeal to the Chairman, State Transport Authority, U.T. Chandigarh.

ii) An appeal shall be in the form of a memorandum, in duplicate, setting forth the grounds for the appeal and shall be accompanied by the requisite fee and the certified copy of the order passed by the licensing authority.

13 Fees-The fee in respect of a licence shall be as follows:

S.No	Purpose	Amount (in Rs.)
1.	Grant of licence	Rs.2,00,000/-
2.	Renewal of licence	Rs.1,00,000/-
3.	Issue of duplicate licence	Rs.25,000/-
4.	Transfer of licence	Rs.25,000/-
5.	For noting change of address of licensee or for permission to open a new branch office	Rs.5,000/-
6.	Appeal	Rs.5,000/-

14 Security Deposits -The applicant for a licence under these rules shall furnish a refundable security by way of bank guarantee to the extent as indicated below from any nationalised bank situated within the jurisdiction of U.T of Chandigarh.

S.No.	Purpose	Amount in Rs.
1.	Upto 100 taxis	Rs.1,00,000/-
2.	Upto 500 taxis	Rs.2,00,000/-
3.	More than 500 taxis	Rs.5,00,000/-