

Advisory for licensing, Compliance and Liability of On-demand Information Technology based Transportation Aggregator [Taxis (4+1)] operating within the jurisdiction of India

The detailed terms and conditions for on-demand IT based transportation aggregator to solicit, canvass and operate within the jurisdiction of a particular State Transport Department are given here below:-

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, all such on-demand transportation technology aggregators or their subsidiaries in India must obtain a license under Section 93 of the Motor Vehicles Act, 1988, from the Transport Department that has jurisdiction over the STA area where they are operating, and adhere to the terms and conditions as set out below:

1. Regulatory Compliance For Aggregator

- 1.1 The Applicant must be a registered entity under the laws of India.
- 1.2 The Applicant must be a digital intermediary/marketplace that canvasses or solicits for a passenger to connect with a driver satisfying the necessary eligibility conditions and operating a validly registered vehicle under the laws of India and must be compliant with all applicable regulations prescribed under the Motor Vehicles Act, 1988 and the Information Technology Act, 2000, including the intermediary guidelines.
- 1.3 The Applicant must not own or lease any vehicle, employ any drivers or represent himself as a taxi service, unless also registered as a taxi operator under the applicable law.
- 1.4 The operator must publish its policy on taxi fare, registration of taxis and drivers with its platform/application, sharing of fares with taxi owners and drivers, safety of passengers, grievance redressal mechanism for passengers etc. It must also follow these policies meticulously and transparently.
- 1.5 The operators must have a 24x7 call centre.
- 1.6 The operator may brand the vehicles.

2. Operational Infrastructure & Compliance

- 2.1 Licensee must provide either a web or a mobile application based customer service and grievance redressal centre having an operational telephone number and email address of a grievance redressal officer.

- 2.2 Licensee must 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 familiarization of drivers with the law applicable to mechanically propelled vehicles, road safety, Motor Transport Workers Act, 1961 and a gender sensitization program.

3. Vehicle Profile

- 3.1 Every vehicle that is operated for a journey booked via an aggregator platform should:
- a) Be validly registered under the applicable laws in India.
 - b) Hold a valid Fitness Certificate, issued under the applicable laws of India.
 - c) Hold commercial insurance policy covering for third party risks as prescribed from time to time under the applicable laws of India.
 - d) Hold relevant permit to ply in the given area of operation
 - e) Comply with safety requirement (including tracking system) prescribed for commercial vehicles.
- 3.2 The operator must ensure that the vehicle is equipped with a device capable of physical location tracking and metering of distance and time using the same, for calculating the distance and time for travel accurately, fitted by the owner of the vehicle and such tracking equipment must be interoperable between different Licensees, if the vehicle is available on more than one on-demand transportation technology platform. The Ministry of Road Transport & Highways will lay down the standards for such location and tracking devices on technologically neutral principle but ensuring adequate accuracy through established certification processes, to ensure interoperability among operators and territory. The device/platform Cell also be equipped to provide a bill and/or receipt to the passenger electronically or otherwise based on the metering system.
- 3.3 The vehicle must be equipped with the applicable standard safety equipment prescribed under the relevant laws of India, including the first aid box containing material as may be prescribed from time to time by the competent authority.
- 3.4 The vehicle should be equipped with emergency safety button(s) wherever mandated by notification.
- 3.5 The vehicle should meet emission standards as prescribed from time to time and have a valid pollution under control certificate.
- 3.6 The vehicle may be allowed to carry advertisement in such a manner and to the extent that it doesn't become hazardous or a disturbance to the safety of traffic and must be strictly in accordance with the guidelines issued by the competent authority in this regard from time to time.

4. Working Conditions For Drivers

- 4.1 Driver using the on-demand transportation technology platform must be permitted to log-in and log-off of the on-demand technology platform at their discretion and must not be prevented from registering themselves or the vehicles they operate on multiple on-demand transportation technology platforms, unless the owners of the vehicle chooses otherwise.

- 4.2 Licensee must not require drivers using the on-demand transportation platform to drive a minimum number of hours, but should follow the rules for maximum hours for safe driving wherever applicable. The GPS device should ensure by metric recording of driving hours.
- 4.3 Driver when using a Licensees on-demand transportation technology platform must not solicit or accept street hails.

5. Driver Compliance

5.1 The Licensee must ensure:

- a) Any driver that wishes to register with an on-demand transportation technology platform must have a driving license of the appropriate category.
- b) Any driver that wishes to register with an on-demand transportation technology platform must have a commercial drivers license or any other relevant and applicable license under the applicable laws of India.
- c) Prior to permitting a person to register with the on-demand transportation technology platform, and annually thereafter, the Licensee must obtain and review a police verification report for such person, together with self attested copy of EPIC card, PAN card, Residential address proof along with contact details of two family members.
- d) Any person who has been convicted, within the past seven years, of driving under the influence of drugs or alcohol, or who has been convicted at any time for any cognizable offense under the Criminal Code of Procedure Code of Criminal Procedure 1973, including fraud, sexual offenses, use of a motor vehicle to commit a cognizable offense, a crime involving property damage, and/or theft, acts of violence, or acts of terror must not be permitted to use the Licensee platform.
- e) Any driver that wishes to register with an on-demand transportation technology platform must hold a Reserve Bank of India ("RBI") KYC compliant bank account.
- f) The driver must be of good character.

6. Issue, Duration Of License & Renewal

- 6.1 No person should offer an on-demand transportation technology platform to consumers within the jurisdiction of a State Transport Department without obtaining a license and adhering to the terms and conditions set out in this advisory as notified by the State Transport Department.
- 6.2 After scrutiny of a request for a License for an on-demand technology transportation aggregator with the Licensing Authority, a License shall be issued in favour of the applicant if it undertakes to comply with the terms and conditions of this advisory as notified by the State Transport Department.
- 6.3 The validity of the License of an on-demand transportation technology aggregator is subject to the Licensee complying with the terms and conditions of this advisory as notified by the State Transport Department and the enrollment may be valid for a period of 3 to 5 years.
- 6.4 The validity of the License is subject to the satisfactory performance of the Licensee as per terms and conditions of this directive. The applicant may submit an application for renewal of the License after a period of 3 to 5 years.
- 6.5 On receipt of the application for renewal of the license the performance of the Licensed Aggregator shall be evaluated as per the terms and conditions of this directive. The

Licensing Authority under this directive shall keep the complaints received from consumers against the Licensee and the ability of the Licensee to address such complaints in view at the time of consideration of renewal of the License enrollment.

7. General Conditions To Be Adhered By The Licensee

7.1 For Administrative purposes, the Licensee must:

- a) Provide an address within the area of operation in the jurisdiction of the State Transport Department for registered service of process along with details of Office in charge.
- b) Maintain accurate and up-to-date Records as described in subsection 2(g) and 2(h) of this part, of all of the drivers and driver vehicles from the State using the Licensees on-demand transportation technology platform and to make them available on demand to the State Transport Authority.
- c) Provide a list of drivers from the State 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 to the Licensing Authority on a quarterly basis.
- d) 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.

7.2 In order to promote passenger safety, the Licensee must:

- a) Ensure that the on demand technology transportation aggregators web or mobile application to connect drivers to riders displays for the passenger 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.
- b) Develop and include a feature in the mobile application that provides riders the ability to share their location with a minimum 2 number of persons within their safety network
- c) Develop and include a feature in the mobile application that gives riders the ability to contact local police in case of an emergency.
- d) Enable data transfer of the location of vehicle, vehicle and driver to the data network of the Central or State Government whenever demanded.
- e) Verify the criminal background of each driver wishing to use the on-demand transportation technology platform through police verification.
- f) 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.
- g) Obtain the following up-to-date records relating to the driver:
 - (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; and
 - (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.
- h) Obtain the following up-to-date records relating to the driver's vehicle:
- (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 document as prescribed and issued under the applicable laws of India, including, but not limited to, an All India Tourist Permit or a State Tourist Permit as the case may be;
 - (iv) Chassis or engine number; and
 - (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 Licensees on-demand transportation technology platform. Provided that Licensee must also ensure that their web or mobile application can track and is interoperable with the physical GPS device fitted to the vehicle.

7.3 In the event of an incident of a criminal nature involving a trip booked through the Licensee on-demand transportation technology platform, Licensee will immediately inform and cooperate with relevant authorities upon lawful request.

7.4 Licensee must establish 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:

- a) refusal of service;
- b) using derogatory or harassing language directed at passenger; or
- c) rating a passenger on the basis of sex, race, caste, creed, religion, or nationality.

7.5 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 from the State using the on-demand transportation technology platform violated the zero tolerance policy for discrimination be immediately suspended, for the duration of the investigation by the Licensee.

7.6 A driver shall not refuse to provide service to an individual with a disability solely because the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience the driver or another person.

- a) However, it shall not constitute discrimination under this paragraph for a driver to refuse to provide service to an individual with disabilities due to violent, seriously disruptive, or illegal conduct by the individual(s).

7.7 The Licensee must implement a zero tolerance policy on the use of drugs or alcohol applicable to any driver, provide notice of 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 for whom the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the ride, and immediately deactivate 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.

7.8 The Licensee must not shift the principal place of business in the State as mentioned in the License Application without informing the Licensing Authority in writing.

7.9 The on-demand transportation technology platform shall inform the Licensing Authority if there is a change in control or ownership of the Licensee.

7.10 The state Governments or the authorities specified by them 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.

8. Transparency

8.1 The on-demand transportation technology platform must provide a feature to convey to the rider the distance and time travelled (based on the metering indicated 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.

8.2 The rider must be facilitated either via the web or on a mobile app or through a customer service telephone number and an email address to submit their grievances or difficulties faced during travel.

8.3 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.

9. Power Of Licensing Authority To Suspend Or Cancel License.

9.1 If the State Transport Department, after giving the Licensee an opportunity to be heard, is of the opinion that a Licensee has failed to comply with any of the terms and conditions as detailed in this advisory as notified by the State Transport Department or under the License, and the same has not been remedied within 60 days of receiving written notice of such non-compliance, the State Transport Authority may suspend the License for a specified period or cancel the License. In the case of Licensees who operate in more than one state the concerned State Transport Department shall inform the Ministry of Road Transport and Highways of every suspension or cancellation of License. The Ministry will promptly inform the other States of the development. Provided that every Licensee whose License has been cancelled shall be permitted to apply for another License with the State Transport Department after a period of six months from the date of cancellation as deemed fit by the State Government.

9.2 When the enrollment is suspended or cancelled as per paragraph 1 in this part, the Holder of the enrollment shall surrender the License certificate to the State Transport Authority.
