

**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
TRANSPORT DEPARTMENT: STATE TRANSPORT AUTHORITY
5/9 UNDER HILL ROAD: DELHI-110054.**


No: F-12/Policy/AS/STA/2016/76053

Date: August 18, 2022

PUBLIC NOTICE

In exercise of the powers conferred to the State Government under sub-section (3) of section 67 of the Motor Vehicle Act, the Transport Department, GNCTD hereby proposes a **Delhi Motor Vehicle Aggregators (Premium Buses) Scheme, 2022** to encourage a modal shift in Public Transport by promotion of efficient Premium Bus Services providing passenger transport services within the National Capital Territory (NCT) of Delhi.

The draft scheme is uploaded on the official website of Transport Department for the information of all stakeholders & citizens and Department invites suggestion/objection/advice to the draft scheme enclosed latest by 08.09.2022 addressed to the Principal Secretary-cum Commissioner (Transport), Government of National Capital Territory of Delhi, 5/9 Under Hill Road, Delhi – 110054 or by e-mail: commtpt@nic.in.


(O.P. MISHRA)
Secretary (STA)

Copy for information to:

1. Secretary to Hon'ble Minister (Transport)
2. PA to Pr. Secy.-cum-Commissioner (Transport)
3. PA to Spl. Commissioner (Transport)
4. Sr. System Analyst, IT Branch – for uploading this notice on the official website of the department.
5. Guard File

GOVERNMENT OF NCT OF DELHI
TRANSPORT DEPARTMENT
Notification

The _____, 2022

No. _____.-

DELHI MOTOR VEHICLES LICENCING OF AGGREGATORS (PREMIUM BUSES) SCHEME,
2022 [DRAFT Discussion paper]

1. Short title, application, and commencement-

- (1) This scheme may be called the Delhi Motor Vehicles Licensing of Aggregators (Premium Buses) Scheme, 2022.
- (2) It shall, save as expressly provided otherwise, apply to and in relation to all premium buses operated under a valid license issued by the competent authority to operate within the National Capital Territory of Delhi.
- (3) The objective of the scheme is to encourage a modal shift in public transport by promotion of efficient premium bus services. This will contribute towards reduction of traffic congestion, improving urban transport, better utilization of transportation assets, increase in accessibility and mobility of people and improvement of ambient air quality.
- (4) It shall come into force with effect from the date of its publication in the official gazette.

2. Definitions-

- (1) In this Scheme, unless the context otherwise requires:
 - (a) "Act" means the Motor Vehicles Act, 1988 (Central Act 59 of 1988);
 - (b) "aggregator" means a digital intermediary or market place for a passenger to connect with a driver for the purpose of transportation; An aggregator can be a fleet owner or a digital intermediary or a combination of both.

- (c) "App" means an electronic interface operated by the Aggregator or any third party on behalf of the Aggregator, which may be accessed either through a computer resource or a communication device;
- (d) "competent authority" means the Commissioner of Transport, GNCT of Delhi;
- (e) "passenger manifest" means a digital record of persons who are likely to travel in a premium bus during the course of a trip or travel and on whose collective behalf the aggregator enters into a contract, express or implied, with the holder of a permit, or any person authorized by him for hiring a vehicle as a whole in accordance with this Scheme;
- (f) "License holder" means the person or entity who holds a license for a bus Aggregator under this scheme;
- (g) "Permit" means a stage carriage permit issued by a State Transport Authority;
- (h) "premium bus" means an air-conditioned public service vehicle, above capacity of 12 passengers, with reclining seating options.
- (i) "Section" means a section of the Act.

(2) Words and expressions used in this Scheme, but not defined herein, shall have the same meaning as assigned to them in the Act.

3. Objective

- (1) The scheme aims to reduce intra-city trips of private vehicles by making available a regular premium air-conditioned bus service to such vehicle users which will help reduce air pollution in Delhi and will also enable them to get rid of inconvenience of parking, exposure of their vehicles to the hazards of traffic (including damage caused by an occasional accident) and related daily mental stress.
- (2) It further aims to make available air-conditioned bus service through aggregators by deployment of premium buses in Delhi. The Scheme will serve those passengers who desire a public transport service that meets their requirement of high quality, comfort, convenience and efficient transport service.

4. Present Scheme

- (1) This scheme is proposed to be made in exercise of powers conferred by sub-section (3) of Section 67 of MV Act, 1988 which empowers the State Government to make schemes for transportation of goods and passengers and issue licenses under such scheme for

the promotion of development and efficiency in transportation for last mile connectivity, reducing traffic congestion, improving urban transport, safety of road users, better utilization of transportation assets, etc.

(2) In accordance with provision of Section 66 of the Act where a license is granted under this scheme, such vehicles will be used under this license.

(3) Stage carriage permits will be issued for individual buses through the licensee.

5. Minimum number of air-conditioned buses

(1) Each aggregator licensed under this scheme shall operate and maintain a fleet of minimum 50 premium buses, to be made operational within 90 days from the day of grant of license.

(2) The requirement for minimum and maximum number of premium buses may be modified by the Transport Department from time to time.

6. Routes

(1) The aggregator may, for and on behalf of the passengers, determine a band of potential routes on which the vehicles operated by it shall ply. .

(2) The details of such routes shall be notified on the mobile or web-based application for information to the general public.

(3) The aggregator shall intimate the Transport Department when starting any new route or modifying/ terminating any route. Provided that before any existing route is terminated by the aggregator, a prior notice of seven days shall be provided to the Transport Department and the general public, through mobile or web-based application, to minimize inconvenience.

7. Fare and Ticketing

(1) The aggregator shall be at liberty to prescribe a suitable fare structure for any route/ destination. The fare shall be displayed on the mobile and web-based application for the information of the general public.

(2) Dynamic pricing will be permissible, above the threshold of peak fare of DTC AC buses.

(3) The aggregator shall seek passengers only through mobile and web-based application facility and no physical tickets shall be issued.

- (4) The charges from the passengers shall be collected through any prevailing mode of electronic/ digital payment only in accordance with law.

8. Contract between aggregator and permit holder

The aggregator shall enter into a contract, express or implied, with a permit holder for use of the vehicle of such permit holder in accordance with the provisions of this scheme and such contract shall be for use of the vehicle as a whole and not for a part thereof.

9. Obligations of aggregator and permit holder

- (1) The aggregator and the permit holder shall be jointly and severally responsible for complying with the following conditions for and in respect of every vehicle deployed under this scheme, namely:

- (a) The aggregator shall, prior to commencement of each trip of a vehicle, post on its mobile and web-based application, the route of such trip, the particulars of the vehicle, premium bus driver and/or other staff and a passenger manifest for that trip. Further booking of passengers from any stop in the trip may be done and included in the passenger manifest provided they are done at least 10 minutes before the boarding time. Provided that the passenger manifest displayed on the mobile and web-based application shall not disclose the names of the passengers and shall only describe their last name, age and gender, as the case may be;
- (b) No person shall be allowed to travel in such a vehicle unless their name is included in the passenger manifest.
- (c) the aggregator shall, as part of its service, include a feature on its mobile and web-based application that allows passengers to lodge complaints for any violation of the law or rules by the driver or other staff, and shall ensure that a notice is prominently displayed inside the vehicle to inform the passengers of the complaint redressal mechanism which shall include an appeal to the competent authority. A summary of the grievance report has to be shared with the Competent Authority on a fortnightly basis;
- (d) an aggregator and permit holder shall take measures to ensure the safety and security of women passengers and shall provide a rapid response mechanism, including a panic button on its mobile and web-based application, for prompt redressal of complaints by

- women passengers;
- (e) no trip shall be canceled after accepting the hire charges from a passenger, save and except upon occurrence of a force majeure, whereupon it shall make best endeavours to provide an alternative vehicle or to refund the fare paid by passengers forthwith;
 - (f) upon failure of the aggregator to provide an alternative vehicle in case of a break-down or for any other reason, save and except force majeure, he shall make a refund forthwith which shall be equal to the amount received from each of the affected passengers and an amount equal to one half thereof by way of pre-determined liquidated damages, and each failure of the aggregator to make such payment for and in respect of each passenger shall make him liable to payment of a fine under Clause 19 hereof;
 - (g) the details containing the photograph of the driver, license number, PSV Badge number and registration mark of the vehicle, along with Transport Helpline number (42400400) and Police Helpline number shall be displayed prominently inside the bus such that it is directly visible to the passengers.
 - (h) only premium air-conditioned buses that are in compliance with AIS 052 (Bus Code), AIS 140 (vehicle tracking system, camera surveillance system, and emergency request button) and AIS 153 standards (Fire Detection and Alarm System (FDAS)) with other specifications as prescribed by the Transport department shall be inducted into the fleet. The aggregator shall be at liberty to decide the size of the buses in its fleet (Mini / Midi / Standard Size) as per Bus Code AIS 052;
 - (i) an aggregator and permit holder shall ensure that there shall be at least two CCTV cameras in each vehicle for recording the movements of passengers during each trip, which recording shall be stored by the aggregator and permit holder for at least fifteen days from the date of each trip;
 - (j) The aggregator shall be responsible for providing a link of the proposed service with the current digital solution deployed by Transport Department i.e. ONE DELHI app for discovering buses/routes, booking rides and making digital payments.
 - (k) an aggregator shall, at all times, display on its mobile and web-based application, the particulars of each vehicle and the name and badge of its drivers and other staff, if any;
 - (l) the vehicle shall be covered by a policy of insurance complying with the requirements of the Act;
 - (m) the vehicle shall carry, at all times, a valid certificate of fitness issued under Rule 62 of

- the Central Motor Vehicle Rules, 1989;
- (n) the vehicle shall have a fire extinguisher and first aid kit as stipulated under the Central Motor Vehicles Rules, 1989;
 - (o) the vehicle shall have a valid pollution certificate under rule 35 of NCT of Delhi Motor Vehicle Rules;
 - (p) the number of passengers traveling in the vehicle shall not exceed the authorised seating capacity of that vehicle;
 - (q) an aggregator shall ensure availability of adequate overnight parking space for all its buses;
 - (r) an aggregator and permit holder shall comply with all applicable laws in respect of the use of a vehicle;
 - (s) acquisition/aggregation of up to three years old CNG buses, from the date of notification of the scheme, shall be allowed. Any new buses purchased for induction after the notification of the scheme shall be BS-VI compliant Air-Conditioned CNG / electric buses only. All buses inducted under this scheme after January 1, 2024 shall be only electric.
 - (t) an aggregator shall comply with the provisions of the Information Technology Act, 2000 (Central Act 21 of 2000) and the rules and regulations made there under.
 - (u) the aggregator 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.

(2) Any failure to comply with these obligations may lead to imposition of fine, suspension of license or both. If the failure is proved to be persistent and willful, the license may be canceled.

10. Parking Facilities

- (1) The aggregator shall ensure availability of adequate overnight parking space for all its buses in NCR region .
- (2) At the time of application, the proof of adequate parking spaces for all the aggregated buses must be submitted to the licensing authority.
- (3) Under no circumstances. parking on any public space including roads, streets, etc within NCT of Delhi would be allowed.

11. Use of Bus Queue Shelters

- (1) The aggregator and permit holder will have to pick up and drop passengers at the notified bus queue shelters only. The fee for usage of bus queue shelters shall be paid separately as notified from time to time.
- (2) Any additional halting stations shall be requested through a single window mechanism established by Transport department.

12. Branding and advertising

- (1) All premium buses inducted under this scheme shall follow a uniform colour scheme decided by GNCTD and will carry the logo of GNCTD as well as the aggregator to reflect the partnership between both parties.
- (2) The aggregator will have the right to advertise inside the deployed buses, on a non-commercial basis, without any royalties to the Transport department or the Municipal Corporation of Delhi (MCD) to create awareness about the premium buses scheme.
- (3) The aggregator shall have the right to sell advertising space inside the deployed buses to earn additional revenue, after obtaining the approval of and sharing the revenue with MCD as per extant laws.

13. Eligibility

- (1) Any registered company, partnership firm, LLP registered in India or a consortium comprising these shall be eligible to apply for the license for an aggregator under this scheme
- (2) The applicant must own or must have aggregated on the date of application:
 - a) a fleet of minimum 200 passenger buses; or
 - b) a fleet of minimum 2000 passenger cars; or
 - c) In case of a mixed fleet of passenger cars and buses, the total minimum fleet must be equal to at least 200 buses. For this purpose, 10 cars would be deemed to be equal to 1 bus.

14. Application for license

An eligible person/ entity shall, prior to engaging in the business of an aggregator for premium

buses within the jurisdiction of NCT of Delhi, make an application to the competent authority for grant of a license under this Scheme.

15. Contents of application

- (1) The applicant shall submit an online application for licence in Form 1 appended to the scheme, accompanied by the requisite particulars including a list of all vehicles that it proposes to engage alongwith a true copy of their permits and proof of adequate parking spaces available for all the vehicles
- (2) Upon receipt of such application, the competent authority shall register the application and acknowledge the same within a period of fifteen days and may require the applicant forthwith to bring the vehicles to the designated place to get them verified for installation of CCTV and other mandatory requisites under this scheme.

16. Grant of licence

- (1) The competent authority shall grant a licence under Section 93 of the Act within thirty days of the date of application in Form 2 appended to the Scheme accompanied with a one-time license fee of ₹1 lakh only. For electric buses, the license fee shall be exempted to promote clean transport options.
- (2) An additional stand fee for use of bus queue shelters shall be paid as notified from time to time by the transport department.
- (3) In the event that a licence is not granted within thirty days and no deficiency is communicated by the competent authority, the applicant shall be deemed to be a licensee upon expiry of the said period of thirty days from the date of its application and shall thereupon be entitled to operate as an aggregator hereunder.
- (4) The licence shall be valid for a period of five years and may be renewed thereafter in accordance with this scheme subject to the terms and conditions of this scheme as notified by the State Transport Department.

17. Renewal

- (1) The aggregator may submit an application for renewal of the licence in Form 1 no earlier than six months before the expiry period of license of five years.
- (2) The license may be renewed for a period of upto five years.
- (3) On receipt of the application for renewal of the license, the performance of the aggregator shall be evaluated as per the obligations under this scheme. The licensing

authority under this scheme shall keep the complaints received from consumers against the aggregator and the ability of the aggregator to address such complaints in view at the time of consideration of renewal of the license enrollment.

18. Decline to issue or renew a license

The competent authority, may for reasons to be recorded in writing and after affording an opportunity of being heard to the aggregator may decline to issue or renew a license if the obligations prescribed herein are not fulfilled.

19. Fine

In the event of any violation of the obligations prescribed in this scheme, the aggregator shall be liable to payment of a fine in accordance with the provisions of section 193 of the Act.

20. Recovery of Fine

In the event that the aggregator does not pay a fine within a period of fifteen days from the date of imposition and notice thereof, the competent authority may, in its sole discretion, suspend or cancel the licence of the aggregator or the permit of the individual bus in default, after giving him a notice of fifteen days to pay the fine alongwith a penalty for delayed payment which shall be equal to fifteen per cent of the fine.

21. Suspension and cancellation of permit

(1) The licensing authority may suspend the permit for a specified period not exceeding 5 months, after giving the aggregator an opportunity of being heard, if it is of the opinion that-

- (a) Any bus associated with the aggregator is in default of legal compliances under the Motor Vehicle Act ;
- (b) Any bus is found to be in violation of lane driving conditions, over speeding and rash driving.
- (c) The aggregator has failed to maintain the bus in compliance with the provisions of the Motor Vehicles Act and or Rules framed there under; or with the provision of this scheme; or
- (d) Any bus driver is found to be guilty of any misbehavior or misconduct with any customer

(2) Where the licensing authority is of the opinion that having regard to the circumstances

of the case it is not necessary to suspend the permit, and if the holder of the permit agrees to pay a fine that may be imposed by the licensing authority, notwithstanding anything contained hereinabove, the licensing authority may instead of suspending the permit as the case may be, recover from the holder of the licence the said fine.

- (3) When the licence is suspended, the permit holder shall cease to be part of the aggregator framework under this Scheme.

22. Cancellation or suspension of licence

The competent authority may, after serving a show cause notice and hearing the aggregator, cancel or suspend his licence if he is found to be in persistent and willful default of any of the conditions prescribed under this scheme. Suspension of license shall be for a maximum period of five months.

23. 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 Transport Commissioner.
- (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.
- (3) The Transport Commissioner may, after giving an opportunity of hearing to the parties and after such enquiry as it may deem fit pass an appropriate order.

24. Repealing and savings

- (1) On the day on which this Scheme comes into force, the NCT of Delhi Motor Vehicles Rules, 1993 as in force in the State of NCT of Delhi shall stand repealed to the extent of their inconsistency with this scheme:

Provided that the repeal shall not affect—

- (a) the previous operation of the scheme so repealed or anything duly done or suffered thereunder; or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the said scheme; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the scheme, so repealed; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; or

(e) any such investigation, legal proceeding or remedy may be instituted, continued or enforced and such penalty, forfeiture or punishment may be imposed as if the scheme had not been repealed.

(2) The State Transport Authority shall have the powers to alter/ change any condition of the scheme.

FORM 1

[See Clause 15 and 17]

Application for grant or renewal of licence for aggregator for premium buses

To

The State Transport Authority

NCT of Delhi

I, the undersigned, hereby apply for a licence for aggregator for premium buses in NCT of Delhi

1. Name of Registered Company/ Partnership/ LLP/ Consortium
2. Nature of Applicant:
 - Registered Company
 - Partnership
 - LLP
 - Consortium
3. Date of Incorporation:
4. (a) Place where the applicant has his main office with detailed address:
(b) Place where the applicant has his branch office with detailed address:
5. Particulars of the Authorized Signatory-
 - (a) Full Name:

Son/ Wife/ Daughter of:
 - (b) Full Address:
 - (c) Telephone No:
6. Average number of passenger trips per day (in the last Financial Year):
7. Average Annual Turnover (in the Last 3 Financial Years):

8. Fleet size (along with documentation)

- a. Passenger cars
- b. Buses (Standard/Midi/ Midi)

9. Proof of a digital interface for booking, routing and ticketing.

10. Particulars of Licence, if already held:

- I am conversant with the conditions for carrying the business for aggregating premium buses.
- I hereby declare that to the best of my knowledge and belief, the particulars given above are correct and true.
- List of vehicles and drivers along with a true copy of their respective licences and badges are attached herewith.
- The prescribed license fee of ₹1 lakh for grant/ renewal of licence is paid by (Tick whichever is applicable)

● Here Indicate modes of Payment (To be Indicated by Transport Department)

Place

.....

Date

Signature of Applicant

Checklist for Documents to be submitted:

1. Copy of certificate of Incorporation/ Registration:
2. Proof of Payment of licence fee
3. Proof of Payment of additional licence fee
4. List of vehicles along with a true copy of their licence
5. List of Drivers along with a true copy of their licence and badges
6. Proof of adequate parking spaces available for all the vehicles

FORM 2

[See Clause 16 and 17]

Licence for aggregator of premium buses

Name of the operator/ licensee:

Name of the Applicant:

Son/ wife/ daughter of:

Full address of the place of business:

Main Office

Branch Office

is licensed to function as an aggregator of premium buses.

This licence is issued on and is valid up to

State Transport Authority

NCT of Delhi

Renewal

Renewed from to

State Transport Authority

NCT of Delhi

Secretary to Government,
NCT of Delhi, Transport Department