

**GOVERNMENT OF KERALA****Abstract**

Transport Department- Formulation of State Motor Vehicles Aggregator Policy- Approved- Orders Issued.

Transport (B) DEPARTMENT

G.O.(P)No.8/2024/TRANS Dated,Thiruvananthapuram, 08-04-2024

Read:- Motor Vehicle Aggregator Guidelines-2020.

ORDER

Government of India have published the Motor Vehicles (Amendment) Act, 2019 and brought in a new term “**aggregator**” in the said Act and has defined in *clause 2(1A)* that "aggregator" means a digital intermediary or market place for a passenger to connect with a driver for the purpose of transportation. Subsequently, Ministry of Road Transport and Highways has issued the Motor Vehicle Aggregator Guidelines-2020, read above, wherein, a framework was given for State Governments for issuing licenses to transport aggregators and for the purposes of regulating the business conducted by such aggregators, as per the Motor Vehicles (Amendment) Act, 2019 and its provision under the section 93 of the Motor Vehicles Act, 1988.

2) Government have decided to formulate a State Motor Vehicle Aggregator Policy based on the guiding framework issued by Ministry of Road Transport and Highways and hereby approve the State Motor Vehicle Aggregator Policy appended to this Government Order.

(By order of the Governor)
Dr Vasuki K I A S
SECRETARY

To:

1. Transport Commissioner, Thiruvananthapuram

2. The Principal Accountant General (Audit), Kerala, Thiruvananthapuram
3. The Accountant General (A&E), Kerala, Thiruvananthapuram
4. The Advocate General ,Kerala,Ernakulam.
5. Director of Information and Public Relations Department
6. APS to Minister (Transport)
7. PA to Secretary, Transport
8. Stock File/Office Copy

Forwarded /By order

Section Officer

GOVERNMENT OF KERALA
STATE MOTOR VEHICLE AGGREGATOR POLICY

WHEREAS, the Ministry of Law and Justice (Legislative Department) has published the Motor Vehicles (Amendment) Act, 2019 (Act No. 32 of 2019) further to amend the Motor Vehicles Act, 1988 and brought in new term “aggregator” in the said Act and has defined in clause (IA) that aggregator means a digital intermediary or market place for a passenger to connect with a driver for the purpose of transportation.

AND WHEREAS by the said amendment act the section 93 of the principal act has been amended and the following was inserted, namely ;- “provided that while issuing license to an aggregator the State Government may follow such guidelines as may be issued by the Central Government.

AND WHEREAS the Union Government Ministry of Road Transport and Highways formulated the Motor Vehicle Aggregator Guidelines 2020 as guiding frame work for the State Government for issuance of license to Transport Aggregators and for the purposes of regulating business conducted by such aggregators.

AND WHEREIN, the said guidelines are acknowledged the initiative taken by the government of India to frame the guidelines with a view to ensure proper conduct of business by the aggregators.

In responding to the Motor Vehicle Aggregator Guidelines 2020 of Government of India for taking necessary steps to implement aggregator guidelines in letter and spirit, the Government of Kerala hereby announce its Motor Vehicle Aggregator Policy in line with the Motor Vehicle Aggregator Guidelines 2020 of the Government of India Ministry of Road Transport and Highways with a view to ensure the conduct of

responsible, effective and efficient conduct of business by the aggregators and urges every statutory authorities to implement this policy in letter and spirit.

THE STATE MOTOR VEHICLE AGGREGATOR POLICY

The vision /Mission

The State Motor Vehicle Aggregator policy is based on the Motor Vehicle Aggregator Guidelines 2020 of the Government of India Ministry of Road Transport and Highways. Its aim is to regulate the licensing and proper conduct of business of aggregators in the State.

1. Definitions:-

- (1) "**Act**" means the Motor Vehicles Act, 1988;
- (2) "**Aggregator**", as defined in clause 1A of section 2 of the Act, refers to a digital intermediary or market place for a passenger to connect with a driver for the purpose of transportation;
- (3) "**App**" means an electronic interface operated by the Aggregators or any third party on behalf of the Aggregator, which may be accessed either through a computer resource or a communication device;
- (4) "**Area of Operation**" shall have the meaning ascribed to 'area' under the Motor Vehicles Act, 1988;
- (5) "**Base fare**" fare prescribed by State Government for aggregators from time to time
- (6) "**Communication device**" shall have the meaning ascribed to it under the Information Technology Act, 2000;

- (7) "**Competent Authority**" means the State Government or any other authority empowered by the State Government to issue Licence under Section 93 of the Act;
- (8) "**Computer resource**" shall have the meaning ascribed to it under the Information Technology Act, 2000;
- (9) "**Driver**" shall have the meaning ascribed to it under the Motor Vehicles Act, 1988 and in the context of this scheme, shall include drivers of the vehicles on-boarded by an Aggregator for the provision of transport or delivery services;
- (10) "**Fare**" means the total charges including GST and any other taxes payable but excluding toll charges, parking fees or any other fees debited by the Aggregator to the Rider pursuant to the latter booking a ride through the Aggregator's App and completion of such ride;
- (11) "**Fee**" means the charges in respect of a license as prescribed under para 21 of these policy;
- (12) "**Form**" means a Form prescribed under the Act or Central Rules or appended to these policy;
- (13) "**Induction Training Programme**" shall have the meaning ascribed under para 5(2);
- (14) "**Licence**" means a licence issued to an aggregator by the Competent Authority;
- (15) "**Licencee**" means an Aggregator who holds Licence issued by the Competent Authority;
- (16) "**On-Boarding**" means the integration of a vehicle and Driver with the Aggregator and operating such vehicle with the Aggregator;

- (17) "**Off-Boarding**" means the segregation of an integrated vehicle from the Aggregator;
- (18) "**Owner**" shall have the meaning ascribed to it under the Motor Vehicles Act, 1988;
- (19) "**Rating**" means an assessment of the quality of a trip availed by a Rider, on the successful completion of the trip;
- (20) "**Remedial Training Programme**" means training course required to be compulsorily undertaken by Drivers whose Rating is below 2 percentiles from amongst all Drivers who are placed similarly in terms of the minimum duration of engagement with the Aggregator. Such duration shall be determined by the Aggregator.
- (21) "**Rider**" means a person who books a journey through the Aggregator App/website for availing the transportation provided by a Driver who is integrated with the Aggregator.
- (22) "**Security Deposit**" means the amount that shall be payable by an Aggregator applying for a License furnished as bank guarantee, unless provided otherwise.
- (23) "**Service Provider Contract**" means the agreed and executed between the Aggregator and the Driver specifying the contractual rights and obligations of both parties.
- (24) "**State**" means the State of Kerala;
- (25) "**State Government**" means the Government of Kerala;
- (26) "**Surge pricing**" means the output of an algorithm of an Aggregator upto 50% of the base fare, but shall not exceed the rate prescribed by State Government under Section 67 of Motor Vehicles Act, 1988 from time to time, whichever is less, which

automatically raises the price of a trip when demand outstrips supply within a fixed geographic area.

2. Applicability

The Guidelines shall be applicable to Aggregators on boarding Passenger Vehicles having seating capacity up to seven including driver in the Area of operation and contract carriages.

3. Application for grant or renewal of License:

(1) An application for the grant or renewal of a licence under these policy shall be made in Form I to the Competent Authority and shall be accompanied by proof of payment of fee as per para 21 and Security Deposit as per para 22 of these policy and the authority shall issue license within ten working days subject to fulfillment of all the conditions prescribed for grant of licence. (2) A licence granted under these policy shall be valid for a period of five years from the date of issue or renewal.

(3) A licence issued under these policy may be renewed for a period of five years on an application made not less than thirty (30) days before the date of its expiry, subject to fulfillment of all the conditions prescribed for grant of licence.

(4) If any of the conditions prescribed under these policy for grant or renewal of licence are not complied with by the applicant, the Competent Authority may reject such application after giving the

applicant an opportunity of being heard. The rejection of application if any, shall be informed to the applicant the same day itself by specifying the reasons for such rejection.

(5) on being satisfied that the applicant has complied with all the conditions prescribed for grant or renewal of licence under these policy, the licensing authority shall issue a licence to the applicant in Form II appended to these policy or renew the same, as the case may be.

(6) A licence issued or renewed under these policy may be transferred to the legal heir in case of death of the licensee on an application made by the legal heir. In other cases, licence may be transferred on a joint application being made by the transferor and transferee subject to fulfillment of all the conditions by the transferee.

(7) Where the License is lost or destroyed, an application for issue of a duplicate shall be made in Form III appended to these policy along with the prescribed fee.

(8) If after the issue of a duplicate licence, original is found, the same shall be surrendered forthwith to the licensing authority, by which it was issued.

(9) The list of licenses issued by the Licensing Authority under these policy shall be uploaded and updated by the Competent Authority on the state transport department website.

(10) Government shall specify the list of documents/enclosures

required to be submitted along with the application for granting / renewal of aggregator license.

4. Eligibility of an Aggregator:

(1) The applicant for aggregator license shall be a company registered under the Companies Act 1956 or 2013 or a co-operative society registered under the Co-operative Societies Act, 1912 formed by an association of drivers or motor vehicle owners or such other association or a limited liability partnership under the Limited Liability Partnership Act, 2008. (Act No. 6 of 2009)

(2) The applicant shall have a registered office in Kerala.

(3) The applicant shall comply with all the applicable provisions prescribed under the Motor Vehicles Act and the Information Technology Act, 2000, including the Rules made there under.

(4) No person / company shall integrate any driver or represent himself as an Aggregator unless it holds a valid License issued under these policy.

5. Conditions for grant or renewal of License for Aggregator:

An applicant desirous of securing a license shall demonstrate compliance with the following;

(1) Compliance with clauses 6, 7, 8 and 9 of the Motor Vehicle Aggregator Guidelines 2020 issued by MoRTH;

(2) Arrangement of a theoretical / practical section or driving test facility with a simulator to test the driving ability of the concerned driver with respect to the vehicle to be on boarded or outsource it to an authorised third party, and a set-up for conducting Induction Training Programme.

Explanation: Induction Training Programme refers to a compulsory (1) one-day training programme for cumulated eight hours conducted by the Aggregator prior to the commencement of on-boarding of driver, either in person or virtually by liaisoning with Kerala Motor Vehicles Department. The broad details of the course shall be made available online for information of citizens. The course shall include but not be limited to apprising, educating and training the Drivers:

- a) to efficiently use the Aggregator app, navigation application and safety tools in the application;
- b) on the provisions under the Motor Vehicles Act, 1988 and rules made thereunder;
- c) on road safety and first responder training for two hours out of the total eight hours mentioned above;
- d) on careful driving;
- e) on motor vehicle maintenance;
- f) on maintenance of health and hygiene;
- g) on fuel efficient driving;

- h) on familiarization with the routes in the Area of Operation;
- (i) on the terms and conditions of the contract between the driver and the aggregator and information to understand earnings on the platform;
- (j) on gender sensitization and safety of women and girl child;
- (k) Quality training to improve rider experience on platform.

(3) The Aggregator shall be responsible to ensure that drivers who have been integrated with the Aggregator prior to the implementation of these policy undergo the Induction Training Programme as mentioned above.

(4) The Aggregator shall be required to commence its business operations within 6 months from the grant of the Licence, in the absence of which the Licence shall be cancelled.

(5) The Guidelines issued by the Ministry of Health, World Health Organization or any concerned authority or organization in the interest of public health and safety especially in regard to COVID-19 or other such pandemic for precautionary steps like sanitization of motor vehicles and appropriate physical distancing etc. or as may be instructed by the Competent Authority from time to time are to be complied with. Further that this para is to be adhered to in cases of ride-pooling in cabs too.

(6) The Aggregator shall comply with such other conditions as may be prescribed by the Central/ State Government from time to time.

6. State Government shall facilitate implementation of battery operated/ alternative fuel (such as bio-ethanol) vehicles:

The Ministry vide notification S.O 5333(E) dated 18th October, 2018 has exempted the electric vehicles and vehicles running with Ethanol or Methanol from the requirements of permit. Operation of such vehicles would be facilitated by the State Government.

7. Compliances with regard to Drivers:

(1) The Aggregator shall comply with the following conditions, prior to On-boarding of Drivers:

- (a) The Driver shall hold a valid proof of identity being an Aadhaar card.
- (b) The Driver shall be holder of a valid driving licence to drive the relevant vehicle.
- (c) The Driver shall have a minimum driving experience of one year in the vehicle category concerned. In case of the driving experience being less than one year, the Driver shall undertake a driver training facilitated by the Aggregator for a period of 15 days prior to On-boarding in addition to the Induction

Training Programme. The Aggregator is permitted to collaborate and partner with any institution authorised by the Government (Transport Commissioner) as deemed fit by the Aggregator for providing such training.

- (d) The Driver shall be a holder of KYC compliant bank account in any of the Nationalized or Scheduled Banks or holder of Jan-Dhan account under the Pradhan Mantri Jan-Dhan Yojana, in accordance with the norms prescribed by Reserve Bank of India.
- (e) The Driver shall not have been convicted within the past 3 years, for the offence of driving under the influence of drugs or alcohol, or on any cognizable offence under the Code of Criminal Procedure, 1973 or the Indian Penal Code, 1860 (as may be applicable) including fraud, sexual offences, use of a motor vehicle to commit a cognizable offence, a crime involving property damage or theft, acts of violence, or acts of terror.
- (f) Complete police verification of the identity of the Driver and his antecedents with a written record of such verification prior to fifteen days of on boarding. Subsequent to such verification, the police authorities shall grant certificate of good moral character without any criminal record, to the Driver.
- (g) Execution of a valid enforceable Service Provider Contract with the relevant Driver in English and the language understood by the Driver, specifying all necessary terms and conditions applicable for On-boarding of vehicle and operating vehicles therein.

(2) The Aggregator shall ensure compliance with the following conditions, relevant to drivers during operations:

- (a) Ensuring a health insurance or any other scheme formulated by Central/ State Government for each Driver integrated with the aggregator for an amount not less than Rs. 5 Lakhs with base year 2020-21 and increased by 5% each year.
- (b) Ensuring a term insurance or any other scheme formulated by Central/ State Government for each Driver integrated with the Aggregator for an amount not less than Rs. 10 lakhs with base year 2020-21 and increase by 5% each year.
- (c) Conducting Refresher Training Programme once a year. Record of such training session shall be documented and preserved for atleast one year. The Aggregator is permitted to collaborate and partner with any specialized institution/ Kerala Motor Vehicles Department, as deemed fit by the Aggregator, authority for providing such training.
- (d) Maintaining and examining updated copies of the following records pertaining to the Drivers of vehicles (pursuant to due verification with the originals), regularly on the portal of SARATHI;
- (e) a photograph of the Driver;
- (f) driving licence;
- (g) present residential address along with proof;
- (h) RBI compliant KYC bank account details;
- (i) Copies of EIC card or Aadhaar card or PAN card.

- (j) Enabling the Drivers to operate with multiple Aggregators, provided each of them comply with the requirements and Driver training programmes relevant to each Aggregator.
- (k) Ensuring that on termination or end of the Service Provider Contract with a Driver, all equipment or brand stickers belonging to the Aggregator is removed and identity card or authorisation issued to the Driver by the Aggregator is confiscated.
- (l) Implementing a mechanism in the App for rating of Driver by corresponding Rider with respect to a ride availed on the App, indicative of the Rider's experience of the ride and Driver's etiquette. The same shall be applicable to the Driver's rating for a Rider.
- (m) Further, Drivers with ratings below two (2) percentiles shall be required mandatorily to undertake atleast two days of Remedial Training Programme until the completion of which such Driver shall be Off-boarded.
- (n) Enabling the Drivers to report to the Rider within the stipulated time as agreed or mentioned during booking of the ride. The rider shall not be liable to pay any cancellation charges, as provided in para 14(2) of this Guidelines, if the vehicle fails to reach within such waiting time and the rider cancels the ride subsequent to lapse of such time.

8. Compliances with regard to vehicles:

The following compliances with regard to a vehicle shall be ensured

by an Aggregator as a pre-requisite for the purposes of integration with Aggregator:

- 1) Valid registration of the vehicle;
- 2) Valid permit, as may be applicable;
- 3) Valid fitness certificate as obtained under the Act;
- 1) Requisite placement of the registration mark displayed in English and the figures in Arabic numerals displayed in such form and manner as specified in the Rules;
- 1) Valid third-party insurance;
- 2) Valid Pollution Under Control (PUC) certificate;
- 3) Compliance with city specific fuel norms;
- 4) Updated payment of applicable taxes and other dues;
- 5) Clearance of pending e-challans applicable to the vehicle prior to integration of such vehicle;
- 6) Fitment of a AIS 140 Certified Vehicle Tracking and Monitoring System with panic buttons relevant for a Public Service vehicle, as specified by the Ministry of Road Transport & Highways, which shall be connected to the control room of the Aggregator; Placement of a fire extinguisher;
- 11) Disabled child lock mechanism;
- 12) Enabled manual override for the central locking system;
- 13) Display inside the vehicle, except motor cycles, registration number of the vehicle, name and licence number of the driver. The display shall be placed on the side of the passenger seat next to the Driver in such manner as shall be clearly visible to the passengers in the concerned vehicle.

- 14) Fitment of 'Aggregator Cab' roof sign visible from the front and rear on LMV, in compliance with Automotive Industry Standards (AIS) or any such standard specified.
- 15) During operations, the Aggregator shall maintain and examine digital records of all vehicles integrated with the Aggregator that shall be updated on a real-time basis by the Aggregator on <https://vahan.nic.in/nrservices/>. Maintaining updated copies of the following records pertaining to the Driver's vehicle (pursuant to due verification with the originals), regularly:
 - a) Certificate of Registration;
 - b) Certificate of Fitness;
 - c) Permit of the vehicle;
 - d) Chassis and engine numbers; and
 - a) Commercial insurance policy covering third party risks as prescribed in the Act.
 - e) Pollution under control certificate.
 - g) Clearance of pending e-challans within a period of 2 months from the issuance of such e-challans.

8 A. General Conditions to be observed by the Passenger:

While Traveling or riding in the public service vehicle the passenger or rider;

- i. Shall not smoke and drink;
- ii. Shall behave in civil and orderly manner towards the driver and co-passengers;

- iii. Shall not willfully or negligently damage the public service vehicle or any of its fittings;
- iv. Shall not cause a driver to drive the vehicle in contravention of the provisions of the notified speed limits.
- v. (Shall not carry any contraband material in violation of rules in force)

9. Compliances with regard to the Aggregator's App and Website:

- (1) The App shall be formulated in a manner that is complies with the applicable laws.
- (2) The App shall be accessible in Malayalam, English and Hindi languages.
- (3) Ensuring that the in-app vulnerabilities are revealed to Indian Computer Emergency Response Team formed under the aegis of the Ministry of Electronics and Information Technology. Safety of the App shall be certified by a recognized cyber security firm.
- (4) Ensuring that the data generated on the App is stored on a server in India and that such stored data shall be for a minimum of 3 months and maximum of 24 months from the date on which such data is generated. This data shall be made available to the State Government as per due process of law. Any data related to customers shall not be disclosed without the written consent of the customer.
- (5) Ensuring that the details of daily trips operated by each vehicle,

details of passengers commuting in each vehicle, origin and destination of each journey undertaken and the fare collected, shall be undertaken by a Driver and Rider shall be accessible on the App for a period of three (3) months from the date of such trip.

- (6) Facilities of data retrieving as per requirement of the law enforcing agencies shall be made available by the Aggregator.
- (7) Ensuring transparency in its operations, including but not limited to, functioning of the App algorithm, proportion of fare payable to the Driver, incentives given to the Drivers, charges received from the Driver and such other information as may be notified by the State Government, by making disclosures on the Aggregator's Website and App and updating such disclosures, as per requirement.
- (8) Inclusion of a feature enabling the Rider to share the live location and status of his/ her ride after the ride booked through the App has commenced.
- (9) Ensuring that the picture of each Driver integrated with the Aggregator is clearly visible on the App.
- (10) Presence of the Website comprising details of the ownership, registered address, fare structure, services offered, contact details and such other details as may be needed.

- (11) Implementing 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 procedure to report a complaint about a Driver when a passenger reasonably suspects that the Driver is under the influence of drugs or alcohol during the course of the ride. The Aggregator shall immediately Off board such Driver upon receipt of a passenger's complaint alleging violation of the zero-tolerance policy. The suspension shall last or continue during the period of investigation by the Aggregator.
- (12) Establishing a control room with 24x7 operations and ensuring that all the vehicles, maintain uninterrupted contact with the control room. The control room shall be in a position to monitor the movements of all the vehicles all the time.
- (13) Establishing call centers or mechanism for customer grievance redressal with valid telephone number and operational email address displayed clearly on the App with 24x7 operations wherein assistance shall be provided to the Rider and/or the Driver in Malayalam, English and Hindi for both the Driver and the Rider. These call centers shall be responsible for the following:
- (a) To enable the Rider and or Driver to contact the Aggregator's call centre in relation to issues concerning the ride, while the ride is in progress after the completion of the ride for a period of 3 months as specified under sub-para 4 above, by inclusion of a call feature on the App. The Aggregator shall also provide for the

assigned Driver's direct contact number, to be available to the Rider and accessible for a period of 24 hours from when the ride was availed.

- (b) To ensure timely and effective redressal of the Riders' grievances on receipt of any complaint concerning the ride/ the Driver/ the condition of the vehicle. Rider concerns pertaining to a ride and the Driver may be reported not beyond a period of 24 hours from when the ride was availed.

Provided that if the complaint registered with the grievance redressal centre is criminal in nature, then the limitation period for filling such complaint shall be within 72 hours. In such scenario, the concerned Driver shall be Off-boarded from the Aggregator till such issue is resolved.

Provided further that, in case of complaints against the Driver concerning violation of the provisions under the Motor Vehicles Act, the Driver shall be Off-boarded for a period of 2 days, from the day on which the complaint has been made and shall not be allowed until he is discharged from the criminal allegations, by the Police Authorities concerned / Competent Authority or their representative.

- (13) Extending utmost cooperation with investigating authorities in relation to any untoward accident or incident involving jeopardising a Rider's safety, which may have arisen due to action or inaction of the Driver on an assigned trip.

- (14) Ensure that city taxis, if seeking to integrate with the Aggregator, are permitted such integration. Provided these taxis are competent to be integrated with the Aggregator as specified under para 7 above.

10. Compliances to Ensure Safety:

- (1) Ensuring appropriate functioning of the GPS installed in the vehicle and provide efficient resolution for any issues that may develop in its functioning;
- (2) Ensuring that the Driver plies the vehicle on the route assigned on the App and in case of non-compliance, developing a mechanism where in the app device indicates the fault to the Driver and the control room of the Aggregator immediately communicates with the Driver with regard to the same;
- (3) Ensuring safety of women employees and Drivers by introducing mechanisms to protect their rights, in compliance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- (4) Enforcing a mechanism on the App to ensure that the identity of the Driver undertaking a trip is same as the one enlisted with the Aggregator requiring verification every time a trip is accepted.
- (5) Ensuring regular spot checks of vehicles integrated with the Aggregator by personnel authorised by such Aggregator.

11. Ride Pooling:

- (1) Aggregators may provide pooling facilities to Riders whose details

and KYC are available who shall be traveling along the same route but with varied stoppages from one point to another under a virtual contract through the App with the prior permission of the passengers.

- (2) Female passengers seeking to avail ride pooling shall also be provided the option to pool only with other female passengers.
- (3) The pooling facilities shall be available within 4 kms of detour from the route assigned to be undertaken for a destination specified by the first Rider in such vehicle.
- (4) Total Gross fare for the ride, shall be distributed among the riders proportional to the distance travelled as per the algorithm designed by the aggregator in the app.
- (5) An additional service charge of Rs. 20/- may be collected from each of the rider in the pool ride, by the aggregator only.
- (6) The Government may, by way of notification, relax the above mentioned detour specifications in order to provide accessibility in urban agglomerations and areas beyond the limits of municipal corporations.

12. Non-discrimination policy to be followed by the Aggregator:

The Aggregator shall ensure that vehicles actually owned by the Aggregator are treated at parity with those vehicles which are not Aggregator owned, once such vehicles are integrated with the Aggregator.

13. Regulation of fares:

- (1) The city taxi fare as notified by the Government of Kerala for the current year shall be the base fare chargeable to rider availing Aggregator service.
- (2) The base fare and the fare for subsequent kms chargeable to rider availing Aggregator service in respect of Motor cabs / Autorickshaws shall be as per the notification issued by State Government under Section 67 (1) (d) (i) of the Motor Vehicles Act, 1988 from time to time.
- (3) The minimum fare chargeable to customers availing Aggregator services shall be, for a minimum of 3 kilometers to compensate for dead mileage and distance traveled and fuel utilised for picking up the customers.
- (4) The Aggregator shall be permitted to charge a fare 50% lower than the base fare and a maximum Surge Pricing of 50% higher than the base fare but shall not exceed the rate prescribed by State Government under Section 67 of Motor Vehicles Act, 1988 from time to time specified under para 13 (1) hereinabove. This will enable and promote asset utilization which has been the fundamental concept of transport aggregation and also substantiate the dynamic pricing principle, which is pertinent in ensuring asset utilization in accordance with the market forces of demand and supply.
- (5) The Owner of a vehicle integrated with the Aggregator shall receive at least 80% of the fare applicable on each ride and the remaining

charges for each ride shall be received by the Aggregator. The Government shall receive 2% over and above the fare towards the state exchequer for amenities and programmes related for Aggregator operated vehicles, which have been helpful in reducing traffic congestion to a great extent and subsequently reducing pollution. These amenities and programmes may include but not be limited to, state sponsored driver welfare programmes, road safety awareness workshops and activities, pollution control programmes, allotment of parking spaces in certain proportion of large parking areas for vehicles integrated with an Aggregator, electric charging infrastructure for electric vehicles and related matters or as notified by Government from time to time.

- (6) For the purposes of motor cabs, fare regulation under this para 13 shall only be applicable for motor cabs not exceeding 4 meters of length of below engine capacity of 1500cc diesel or petrol. Fare regulation provided under this para 13 shall not be applicable to electric vehicles.
- (7) No passenger shall be charged for dead mileage (except when the distance for availing the ride is less than 3kms as mentioned under para 13 (2) hereinabove) and the fare shall be charged only from the point of boarding to the point of alighting.
- (8) The On-demand transportation technology platform must provide a feature to convey to the rider the distance and time travelled 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 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.

- (9) The aggregator must provide API's (Application Program Interface) whenever demanded by the Department of Transport and assist in its integration with any monitoring software that Department of Transport may create in future.

14. Cancellation of Rides:

- (1) On cancellation of a booking by a Driver, subsequent to accepting the ride on the App. a penalty of 10% of the total fare not exceeding Rs.100/- shall be imposed, when such cancellation is made without such valid reason that shall be enumerated in drop down menu by the Aggregator on its Website and on the App. The said amount shall be credited to the rider's App account, which shall be adjusted in the subsequent ride(s). Aggregator shall obtain prior approval of the Competent Authority regarding all such valid reasons for which ride can be cancelled after acceptance of the same by the Driver without incurring the penalty. In case of cancellation made by the driver due to his/her sudden medical emergency/mechanical or electrical disorder of the vehicle, the driver/vehicle shall not be allotted any ride for at least the next 6 (six) hours after such cancellation.

(2) On cancellation of a booking by a Rider, before the waiting time, as enumerated in para 7(2)(q) above, subsequent to booking a ride on the App, a penalty of 10% of the total fare not exceeding Rs.100/-(rupees one hundred only), shall be imposed when such cancellation is made without such valid reason pre-approved by the Competent Authority that shall be displayed in drop down menu by the Aggregator on its Website and on the App. The said amount shall be divided between the Driver and the Aggregator in the same proportion as sub-para (4) of para 13. The said cancellation charges will be shown as debit against the rider's account in the App and shall be realized by that Aggregator from the rider in his/her subsequent booking(s).

15. Suspension of Aggregator License::

(1) Suomoto or on a complaint made to the Competent Authority, subsequent to providing the Aggregator with an opportunity of being heard within fifteen ('15) days from date of such complaint or Suomoto action, suspend the license for a period, by way of a reasoned order in writing, which shall not be less than 10 days and which shall not exceed 6 months at a time if,-

(a) There exists a systemic failure by the Aggregator to ensure safety of the Rider and/or the Driver and the same may be evidenced by an analysis of quarterly Ratings with regard to the relevant parameter;

- (b) There exists repetitive instances of financial inconsistencies with regard to the fares charged to Riders, unjustified imposition of Surge pricing, non-compliance with the proportionate division of fares between the Drivers and the Aggregator, unsubstantiated imposition of charges on the Drivers, all of which may be determined by Ratings and/or examination of the financial records pertaining to the Aggregator's operations, in compliance with powers granted to the State Government under para 20 (1);
- (c) The Aggregator fails to comply with the contractual obligations towards the Drivers;
- (d) The Aggregator fails to comply with any of the requirements or conditions of these Guidelines amounting to minor, moderate or gross offences, as may be determined by the State Government. The following parameters may be considered by the State Government while categorising the offences of non-compliance with these policy:
- (e) Effect on health and safety of Riders and/or Drivers which may have been averted by complying with these policy;
- (f) Number of deaths or sever injuries to Riders and/or Drivers caused due to violation of safety standards by the Aggregator;
- (g) Effect on Driver welfare and livelihood due to violation of contractual obligations;
- (h) Severity of financial swindling;

- (2) On completion of period specified in the Suspension Order the Aggregator shall by way of an undertaking in writing acknowledge the reasons for suspension as specified in the suspension Order and undertake that the same stands rectified and will be there from complied with. Subsequent to this, the Competent Authority shall pass an order acknowledging the satisfaction of the Suspension Order and receipt of the undertaking and grant the Aggregator temporary permission to continue operations for a period which shat[not be less than 2 months but not more than 6 months ["Probationary Period"] white stilt withholding the Aggregator's License.
- (3) During the Probationary Period, the Aggregator shall continue operations and rectify the reasons causing the former suspension white ensuring compliance with these Guidelines in its entirety. Subsequent to the expiry of the Probationary Period the Competent Authority shall examine the operations of the Aggregator to ensure compliance with these policy Guidelines and rectification of the issues causing the former suspension.
- (4) If the competent Authority stands satisfied pursuant to the examination at the end of the probationary period, the Competent Authority shall issue a no objection certificate.(NOC) to the Aggregator and return the License, subsequent to which the Aggregator shall continue operations. if unsatisfied, a second Probationary period of seven days shall be granted for implementing the requisite rectifications.

- (5) If satisfied, a NOC shall be granted to the Aggregator subsequent to investigation after the expiry of seven days and the License shall be returned. If the requisite rectifications remain unsatisfied, the competent Authority may within fifteen days, after giving an opportunity of being heard to the Aggregator, suspend the License for a period which shall not be less than forty-five days and not more than three months, specifying the reasons for continued suspension by way of a written order, [Continuing Suspension Order]. On receipt of a Continuing Suspension Order, the same procedure shall be followed as specified in the sub-paras (2), (3) and (4) of this para.
- (6) Where a License is suspended, the Aggregator shall immediately stop all operations under the License , until such suspension is revoked.
- (7) Without prejudice to an order of cancellation passed by the Licensing Authority, the security provided by way of bank guarantee shall be forfeited in part.
- (8) The Aggregator may, at any time, voluntarily surrender the license for cancellation. On such surrender of the license, the security by way of bank guarantee if any shall be returned to the Aggregator after the payment of outstanding dues if any.

16. Power to impose fine/penalty against the Aggregator for violation of conditions in this policy guidelines :

Any violation to these policy shall attract the provision of Section 193 of the Motor Vehicles Act, 1988 . The Competent Authority or any officer notified by the State Government shall impose such fine / penalty as the case may be.

17. Cancellation of Aggregator License:

- (1) A show cause notice shall be issued to the Aggregator for cancellation of the Aggregator's License, if the Aggregator:
 - (a) has received more than three (3) suspensions within one financial year; or
 - (b) has failed to receive its License and NOC pursuant to a second examination of the Continuing Suspension Order; or
 - (c) is responsible for the commission of a gross offence as categorized by the State Government under para 15(1)(d) above.
- (2) The Competent Authority may within five days of issuing the show cause notice provide an opportunity of hearing to the Aggregator and thereafter cancel the license with reasons to be recorded in writing.
- (3) Where a license is cancelled, the Aggregator shall immediately stop all operations under the licence.
- (4) Contravention to para 15(6) may lead to cancellation of Aggregator's licence.

18. Appeal, Form and Fee:

- (1) The Aggregator aggrieved by any order passed by the licensing authority may, within 30 days of receipt of the order, appeal to the Appellate Authority.
- (2) An appeal under sub-para (1) shall be in the form of a memorandum in duplicate setting forth the grounds for the appeal, to the order of Licensing Authority and shall be accompanied by the requisite fee of Rs.500/-(five hundred).

19. Appellate Authority :

An appeal against any orders passed under para 15 and para 17 shall be made to the Competent Authority or any Officer notified by the Transport Commissioner.

20. Powers and responsibilities of Competent Authority:

- (1) The Competent Authority shall be empowered to call for such information and documents from the Aggregator, as deemed fit to ensure compliance by the Aggregator with the policy pursuant to prior written notice. This shall also include the power to investigate about the Drivers who have been Off boarded at more than one instance;
- (2) The Competent Authority or authorised Officials deputed by the licensing authority not below the rank of Administrative Officer /

Assistant Motor Vehicle Inspector shall have the power to conduct search and investigation of the Aggregator's premises, as specified in Form II appended to these policy, for the effective implementation of these policy;

- (3) The Competent Authority shall provide access to the VAHAN and SARATHI portal operated by the Ministry of Road Transport and Highways, Government of India to enable the Aggregator to update the details of vehicles and Drivers integrated with the App.
- (4) The Competent Authority shall ensure complete confidentiality and secrecy of the documents and information obtained from the Aggregator under para 17 (1) above and any such other information which it may call for.
- (5) Government may impose penalties for violation of this policy from the part of aggregators, drivers and owners of the vehicles integrated with the aggregator.

21. Fee for Aggregator:

SL No	Particulars	Amount in Rupees
1.	Grant of licence	5,00,000
2.	Renewal of licence	2,500
3.	Issue of duplicate licence	2,500
4.	For noting change of address in the licence	2,500
5.	Transfer of licence	25,000

22. Security Deposit for Aggregator:

SL No	Particulars	Amount in Rupees
1.	Upto 1000 motor vehicles	1,00,000
2.	Upto 10000 motor vehicles	2,50,000
3.	More than 10000 motor vehicles	5,00,000

Note :- If the aggregator plies vehicles more than that he is licensed to, the aggregator shall pay the additional fees according to the excess in number of the vehicles as shown above.



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Motor Vehicle Aggregator Guidelines-2020

FORM I

[See Clause 3(1)]

Application for the Grant of License for Aggregator under the Central Aggregator Guidelines, 2020

To,
The [Designation],
[Name of State] Competent Authority,
[Name of City]

I, the undersigned hereby apply for grant of a License for operation as an Aggregator under the Central Aggregator Guidelines, 2020.

1.	Name in full	
2.	Address of the main office	
3.	Number of branches and addresses, if any	
4.	a. If a registered company, enclose a copy of certificate of incorporation / registration along with a copy of memorandum of association. b. If a firm, enclose a copy of certificate of registration of the firm.	
5.	Name and contact details of Key Managerial Personnel or Authorized Signatory	1. 2. 3.
6.	Telephone number, website address and Email ID	
7.	Number of (type of vehicle) proposed to be operated. (Enclose a separate list containing vehicle numbers and permit particulars of each vehicle)	
8.	Details of GPS/ GPRS facility	
9.	Details of other infrastructure	
10.	Details of returns filed in the last three years. Enclose copies of financial statements of last three years	
11.	Details of fee paid	Rs. 10,00,000
12.	Details of Security Deposit by way of Bank Guarantee in favour of Competent Authority	

I hereby declare that the information given above and other documents enclosed herewith are true to the best of my knowledge. I understand that if any information is found to be incorrect at any point of time, the Licence granted to me is liable to be cancelled,



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besides initiating other legal action/actions against me. I have gone through the provisions of the Central Aggregator Guidelines, 2019, I accept and agree to abide by the same and the reference statues and rules mentioned herein.

Place:

Date:

Signature of the Applicant/ Authorized Signatory
(along with company seal, as applicable)



Ministry of Road Transport and Highways

Motor Vehicle Aggregator Guidelines-2020

FORM II

[See Clause 3(2)]

Application for the Renewal of License for Aggregator under the Central Aggregator Guidelines, 2020

To,
The [Designation],
[Name of State] Competent Authority,
[Name of City]

I, the undersigned hereby apply for grant of a License for operation as an Aggregator under the Central Aggregator Guidelines, 2020.

1.	Name in full	
2.	Address of the main office	
3.	Number of branches and addresses, if any	
4.	a. If a registered company, enclose a copy of certificate of incorporation / registration along with a copy of memorandum of association. b. If a firm, enclose a copy of certificate of registration of the firm.	
5.	Name and contact details of Key Managerial Personnel or Authorized Signatory	1. 2. 3.
6.	Telephone number, website address and email id	
7.	Number of (type of vehicle) proposed to be operated. (Enclose a separate list containing vehicle numbers and permit particulars of each vehicle)	
8.	Details of GPS/ GPRS facility	
9.	Details of other infrastructure	
10.	Details of returns filed in the last three years. Enclose copies of financial statements of last three years	
11.	Details of Licence: a. Licence Number b. No. of suspensions, if any, and details thereof	
12.	Details of fee paid	Rs. 2,500
13.	Details of Security Deposit by way of Bank Guarantee in favour of Competent Authority	



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I hereby declare that the information given above and other documents enclosed herewith are true to the best of my knowledge. I understand that if any information is found to be incorrect at any point of time, the Licence granted to me is liable to be cancelled, besides initiating other legal action/actions against me. I have gone through the provisions of the Central Aggregator Guidelines, 2019, I accept and agree to abide by the same and the reference statues and rules mentioned herein.

Place:

Date:

Signature of the Applicant/ Authorized Signatory
(along with company seal, as applicable)



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FORM III

[See Clause 3(5)]

Licence for an Aggregator

Mr./Mrs./M/s [_____] is hereby licensed to operate as an Aggregator under the Motor Vehicles Act, 1988 in compliance with directions stipulated under the Central Aggregator Guidelines.

1.	Name of the Aggregator (in full)	
2.	Address of the main office	
3.	Addresses of the branches	
4.	Telephone number, website address and email id	
5.	Number of auto rickshaw/ e-rickshaw/ motor cab/ motor cycle or bus (as per the list enclosed by the Aggregator in Form I/II, as may be applicable)	
6.	Particulars of the manner in which the Aggregator shall function	
7.	Details of fee paid	
8.	Details of bank guarantee	

The Licensee shall observe all the conditions contained in the Central Aggregator Guidelines, 2020.

Place:

Date:

Signature of the Competent Authority



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Form IV

[See Clause 3(7)]

Application for the issue of Duplicate Licence

To,
The [Designation],
[Name of State] Competent Authority,
[Name of City]

Sir/Madam,

The Licence issued to [Name of the Licensee] under Clause 3(5) of the Motor Vehicle Aggregator Guidelines, 2019 bearing No. [] has been lost/destroyed/completely written off/soiled/torn/mutilated in the following circumstances.

[]

I/We hereby declare that to the best of my/our knowledge the Licence has not been suspended or cancelled under the provisions of the Act or rules made thereunder and the circumstances explained above are true.

I/We do hereby apply for the issue of a duplicate Licence.

The written off/soiled/torn/mutilated Certificate of registration is enclosed/ Copy of the FIR filed against the loss of the Licence is enclosed.

Place:

Date:

Signature of the Applicant/ Authorized Signatory
(alongwith company seal, as applicable)