

**GOVERNMENT OF RAJASTHAN
TRANSPORT DEPARTMENT**

S.No. F.7(495) Pari/Trans./Rules/HQ/2013/21794

Jaipur, Dated:- 05/10/2016

NOTIFICATION

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

Whereas, on 08.10.2015 the Central Government issued advisory to the State Governments detailing the aspects to be taken into account for the aforesaid purpose;

Whereas section 93 of the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988) requires that any person engaged in soliciting customers for travel by public service vehicles is required to obtain a license from the appropriate authority and such license shall be subject to such conditions as may be prescribed by the State Government;

And therefore, in exercise of the powers conferred by sections 93, 95, 96 read with 211 of the Motor Vehicles Act, 1988, the State Government hereby publishes the draft of the following rules as required by sub-section (1) of section 212 of the said Act and notice is hereby given that the said draft will be taken into consideration after fifteen days from the date of its publication in the Official Gazette for the information of persons likely to be affected thereby. Any objections or suggestions may be addressed to the Principal Secretary and Transport Commissioner, Parivahan Bhawan, Sahkar Marg, Jaipur on or before fifteen days from the date of its publication in the Official Gazette.

Any objection or suggestions which may be received by the State Government from any person with regard to the said draft before the expiry of the period specified above will be considered by the State Government.

DRAFT RULES

1. Short title, commencement and application.- (1) These rules may be called the Rajasthan On-demand Information Technology Based Transportation By Public Service Vehicles Rules, 2016.

(2) It shall come into force on the final publication in the Official Gazette.

(3) It shall be applicable to aggregators operating in the State of Rajasthan.

2. Definitions.- In these rules unless the context otherwise requires,-

(1) "Act" means the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988);

(2) "Form" means a form appended to these rules;

(3) "License" means a license granted or renewed under rule 6 of these rules to engage in the business of providing on-demand transportation by Public Service Vehicles, based on information technology for hire or reward;

(4) "Licensing authority" means the State Transport Authority constituted under sub-section (1) of section 68 of the Act; and

(5) "Aggregator" means a service provider or an operator who acts as a digital intermediary for a passenger to connect with a driver, by means of a mobile phone/web application or through a call centre or by any other advance technology, of Public Service Vehicle having a valid permit under the Act.

3. Licensing of Aggregator.- (1) No person shall act as an aggregator without obtaining a license in Form-2 granted by the licensing authority.

(2) The existing travel agents who are engaged in the business of providing passenger transport services through phone/ web based application and holding a license under provisions of rule 5.73 of the Rajasthan Motor Vehicles Rules, 1990 shall also have to apply within fifteen days from the commencement of these rules and obtain a license under these rules .

4. Application for grant or renewal of license.- (1) An application for the grant or renewal of a license under rule 6 shall be made in Form-1 to the licensing authority and shall be accompanied by a fee as specified in rule 18 and a bank

guarantee of rupees ten lakhs from scheduled bank with validity of five and half years drawn in favour of the licensing authority.

(2) Where the applicant, besides the principal place of business hereinafter referred to as main office, has branch office within the jurisdiction of the licensing authority, such places shall also be mentioned in the application.

Provided that licensee may change his main office, or any of his branches as mentioned in the license or open a new branch after obtaining written permission from the licensing authority. An application for change of address of his main office/ branch or opening of a new branch shall be accompanied by a fee as specified in rule 18.

5. Scrutiny of Application.- A licensing authority shall, before granting or renewing a license, take into consideration the following, namely:-

- (i) that the applicant is a registered entity under the applicable laws of India;
- (ii) that the applicant is 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 complies with all applicable regulations prescribed under the Act and the Information Technology Act, 2000, (Act No. 21 of 2000) including the intermediary guidelines;
- (iii) that the applicant has a 24x7 call centre;
- (iv) that the applicant provides either a web or a phone application based customer service and grievance redressal mechanism having an operational telephone number and an email address of a grievance redressal officer;
- (v) that the applicant has intimated the name, address and contact information of the authorised local representative of the licensee, who is responsible for the compliance of the provisions of these rules; and
- (vi) that the applicant maintains a fleet through a written agreement or memorandum of understanding with individual permit holders of at least five hundred motor cabs at all times and in the case of vehicles other than motor cab, this number shall not be less than twenty five at any time.

6. Grant or Renewal of License and matters connected therewith.- (1) The licensing authority may, on receipt of an application under rule 4 and after

satisfying himself that the applicant has complied with the requirements of rule 5, grant and issue the license in Form-2 after payment of fees as specified in rule 18:

Provided that in the case of renewal the licensing authority after satisfying himself that licensee has complied with the terms and conditions as prescribed under rule 5 and rule 8, renew the license in Form-2 after payment of fees as specified in rule 18.

Provided further that no application for license shall be refused by the licensing authority unless the applicant is given an opportunity of being heard and reasons for such refusal are recorded in writing by the licensing authority.

(2) The applicant may submit an application for renewal of license at any time after the completion of four and half years but not less than three months before the expiry of the license along with a renewed bank guarantee of rupees ten lakhs from scheduled bank with validity of five and half years drawn in favour of the Licensing Authority.

(3) If application of renewal of license is made after the expiry of time prescribed under sub-rule (2), licensing authority may accept the application looking to the reasons preventing him applying in time.

(4) The licensing authority shall keep the record of the complaints received from consumers against the licensee and shall evaluate the ability of the licensee to address such complaints at the time of consideration of renewal of the license.

7. Duration of license. - A license granted or renewed under rule 6 shall be valid for a period of five years from the date of grant or renewal.

8. General conditions to be observed by the holder of the license.-

(1) The licensee must ensure that every Public Service Vehicle that is operated for a journey booked via an aggregator platform should,-

- (a) be engaged under a written agreement authorising the licensee for the use of such vehicle as a whole;
- (b) be validly registered under the provisions of the Act;
- (c) hold a valid Fitness Certificate, issued under the provisions of the Act;
- (d) hold a relevant permit to ply in the given area of operation;
- (e) hold valid insurance covering for third party risks as prescribed from time to time under the provisions of the Act;
- (f) have paid all the dues payable under The Rajasthan Motor Vehicles Taxation Act, 1951 and rules made thereunder;

- (g) be equipped with air conditioner which shall always remain in working condition during the course of journey. This condition shall not be applicable for two and three wheeled motor cabs;
- (h) comply with the safety requirements prescribed for commercial vehicles;
- (i) be equipped with the applicable standard safety equipments prescribed under the Act and rules made thereunder, including the first aid box;
- (j) meet emission standards as specified from time to time and have a valid pollution under control certificate;
- (k) be equipped with emergency safety button(s) wherever mandated by the licensing authority;
- (l) be equipped with a device capable of tracking physical location and in case of motor cabs with a device capable of measuring the distance and time for accurate calculation of fare and time of travel. Such equipment shall be 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:

Provided that the location tracking or Global Positioning System device shall comply with the specifications as laid down by the licensing authority from time to time;

- (m) not carry advertisements to the extent that it becomes hazardous or a disturbance to the safety of traffic and must be strictly in accordance with the guidelines issued by the State Transport Authority in this regard from time to time; and
 - (n) be run on Compressed Natural Gas fuel only when proposed to be operated in National Capital Region.
- (2) The licensee must ensure that:
- (a) any driver that wishes to register with an on-demand transportation technology platform must have a driving license of the appropriate category;
 - (b) prior to permitting a driver 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;

- (c) any driver who has been convicted, within the past seven years, for offence of driving under the influence of drugs or alcohol, or who has been convicted at any time for any cognizable offence including fraud, sexual offenses, use of motor vehicle to commit a cognizable offence, a crime involving property damage, and/or theft, acts of violence, or acts of terror must not be permitted to use the licensee platform;
 - (d) any driver that wishes to register with an on-demand transportation technology platform must hold a Reserve Bank of India (RBI) Know Your Customer compliant bank account;
 - (e) driver using the on-demand transportation technology platform must be permitted to log-in and log-off 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;
 - (f) driver using the on-demand transportation platform shall not be compelled to drive a minimum number of hours, but should follow the rules for maximum number of hours for safe driving wherever applicable. The Global Positioning System device should ensure metric recording of driving hours; and
 - (g) driver when using on-demand transportation technology platform must not solicit or accept street hails.
- (3) For administrative purposes, the Licensee must,-
- (a) provide an address for registered service of process along with details of Office in-charge to the licensing authority;
 - (b) provide a list of drivers using on-demand technology transportation platform, including the full name of driver, driving license number and the vehicle registration number to the licensing authority on a quarterly basis;
 - (c) 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;
 - (d) obtain and maintain the following up-to-date records relating to the driver :-
 - (i) photograph;
 - (ii) driving license detail;

- (iii) badge detail;
 - (iv) present and permanent residence address;
 - (v) bank account details of the driver;
 - (vi) contact information;
 - (vii) self attested EPIC card, PAN card; and
 - (viii) contact details and address of two family members of the driver.
- (e) obtain and maintain the following up-to-date records relating to the driver's vehicle:-
- (i) certificate of registration along with the number of High Security Registration Plate as prescribed under the Act and rules made thereunder;
 - (ii) certificate of fitness as specified and issued under the Act and rules made thereunder;
 - (iii) permit or any other document as specified and issued under the Act and rules made thereunder, including, but not limited to, an All India Tourist Permit or a State Tourist Permit, as the case may be;
 - (iv) a copy of written agreement as referred in clause (a) of sub-rule (1);
 - (v) insurance policy covering the third party risks as specified from time to time under the Act and rules made thereunder; and
 - (vi) have the ability to track the real-time Global Positioning System location of the vehicles that make themselves available for duty on the licensee's 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 Global Positioning System device fitted to the vehicle.

(4) 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 passengers a clear picture of the driver (including license number) and a picture or description 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 ability to contact local police in case of emergency;

- (d) enable data transfer of the vehicle, driver and location of the vehicle 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) 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;
 - (h) 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,-
 - (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; and
 - (i) The licensee shall be held liable if the licensee fails to exercise due diligence and responsible care in accrediting drivers or does not comply with terms of these rules or the license.
- (5) After 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 has violated the zero tolerance policy as referred in clause (h) of sub-rule (4) of rule 8 for discrimination the driver shall be immediately deactivated from the platform, for the duration of the investigation (by the licensee);
- (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 cause inconvenience to the driver or any other person;
- (7) The licensee must implement the zero tolerance policy on the use of drugs or alcohol by its driver and publish the 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 deactivation shall last the duration of the investigation by the licensee;

(8) The licensee must not shift the principal place of business in the state as mentioned in the license without the prior intimation of licensing authority in writing and approval should be obtained within fifteen days of such change;

(9) The on-demand transportation technology platform shall inform the licensing authority if there is a change in control or ownership of the license and shall seek a fresh/ new license under the provisions of these rules within fifteen days of such change;

(10) The licensee must publish its policy on fare which shall be with reference to the maximum fare rate specified by the State Government, registration of vehicles and drivers with its platform/ application, sharing of fares with vehicles owners and drivers, safety of passengers, mechanism for grievance redressal etc. It must also follow these policies meticulously and transparently;

(11) The licensee shall conduct structured refresher training programs for its drivers including but not limited to safe driving skills, gender sensitization passenger etiquette and ensure that the driver shall undertake such refresher course at least once in a calendar year. Such training programs should be duly documented by the licensee;

(12) The licensee shall endeavor to register as many motor cabs having woman drivers as may be feasible;

(13) shall display prominently the license issued under these rules on the app as well as any television or print advertisements and;

(14) the licensee shall follow all the conditions as may be specified and directions issued by the State Transport Authority or any competent court, from time to time.

9. General conditions to be observed by the Passenger.- While travelling or riding in the public service vehicle the passenger or rider,-

(1) shall not smoke and drink;

(2) shall behave in civil and orderly manner towards driver and co-passenger;

(3) shall willfully or negligently damage the public service vehicle or any of its fittings;

(4) shall not cause a driver to drive the vehicle in contravention of the provisions of the notified speed limits

10. Transparency:- (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.

(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.

(3) The licensee shall be permitted to digitally provide for all features mandated physically by any applicable rules or rule or permit condition made by the State Government.

11. Power of Licensing Authority to Suspend or Cancel License.-(1) If the licensing authority, after giving the licensee an opportunity to be heard, is of the opinion that,–

(a) a licensee has failed to comply with any of terms and conditions as detailed in these rules;or

(b) the licensee has failed to maintain the Public Service Vehicles in compliance with the provisions of the Act and rules made thereunder;

The licensing authority may suspend the license for a specified period or cancel the license.

(2) Every licensee whose license has been cancelled shall be permitted to apply for another license to the licensing authority after a period of six months from the date of cancellation.

(3) When the license is suspended or cancelled under sub-rule (1) the holder of the license shall surrender the license to the licensing authority and discontinue the service.

12. Forfeiting of Bank Guarantee.- (1) If the holder of a license fails to comply with the conditions and terms as mentioned under these rules or any employee of licensee is guilty of any misbehavior or misconduct with any passenger travelling then the licensing authority will be free to suspend or revoke the license or/and forfeit the bank guarantee of rupees ten lakhs or appropriate portion looking to the seriousness of offence.

13. Area of Operation.- Area of operation of vehicles (Other than Motor Cab) plying under these rules shall be as referred in sub-rule (v) of rule 1.2 of the Rajasthan Motor Vehicles Rules, 1990.

14. Issue of duplicate license and transfer of license.- (1) If at any time the license is lost or destroyed, the holder shall report to the police station in the jurisdiction of which the loss or destruction has occurred and intimate the fact in writing to the licensing authority and apply in Form-1 to the said licensing authority for a duplicate license accompanied by the fees as specified in rule 18.

(2) On receipt of an application along with the specified fee in sub-rule (1), the licensing authority may issue a duplicate license clearly marked "Duplicate".

(3) If after the issue of a duplicate license the original is traced, the same shall be surrendered forthwith to the licensing authority.

(4) A license issued or renewed under these rules may be transferred to the legal heir in case of death of licensee on an application made by legal heir. In other cases, license may be transferred on a joint application made by the transferor and transferee accompanied by the fees as specified in rule 18 and subject to fulfillment of all the conditions prescribed under these rules by the transferee.

15. Appeals.- Any person aggrieved by any order of the licensing authority under rule 6, 11 or rule 12, may file within thirty days of the receipt of the order, appeal to the State Transport Appellate Tribunal.

16. Procedure for appeal.- (1) An appeal under rule 15 shall be preferred in duplicate in the form of a memorandum setting forth the ground of objection, to the order of the licensing authority and shall be accompanied by a fee as specified in rule 18.

(2) The State Transport Appellate Tribunal may after giving an opportunity to the parties to be heard and after such enquiry as it may deem necessary, pass appropriate orders.

(3) The State Transport Appellate Tribunal shall dispose of an appeal under rule 13 within a period of ninety days from the date on which such appeal is filed.

17. Voluntary surrender of the license.- The holder of a license may at any time surrender the license issued to him by the licensing authority which granted the license and on such surrender the licensing authority shall cancel the license. The holder of the license before surrendering the license shall clear all the dues referred in rule 12.

18. Fees.- The fees which shall be charged under the provisions of these rules shall be as specified in the Table below:-

TABLE

Serial Number	Purpose	Amount (In rupees)	Rule
1	2	3	4
1.	In respect of application for grant or renewal of license	Five thousand	4
2.	In respect of change of address of the main office or permission to open a new branch	Two thousand five hundred rupees	4
3.	In respect of grant or renewal of license	One lakh	6
4.	In respect of issue of duplicate license	Ten thousand	14
5.	In respect of transfer of license	A. Five thousand (In case of death of individual licensee) B. Fifteen thousand (In other cases)	14
6.	Appeal	Two thousand five hundred rupees	15

19. Refund of Fees.- Method and procedure for refund of fee and security as laid down under the Rajasthan Motor Vehicles Rules, 1990 shall be applicable.

FORM-1

[see rule 4]

Application for the grant/renewal of Aggregator's license under the Rajasthan On-demand Information Technology Based Transportation By Public Service Vehicles Rules, 2016

To,

The State Transport Authority,
Jaipur.

I, the undersigned hereby apply for grant/renewal of a license for operation as an aggregator under the Rajasthan On-demand Information Technology Based Transportation By Public Service Vehicles Rules, 2016.

1.	Full Name	
2.	Address of the main office	
3.	Number of branches and their addresses	
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.	Telephone number, web address and e-mail id	
6.	Number of Taxis proposed to be operated. (Enclose a separate list containing vehicle numbers and permit particulars of each vehicle)	
7.	Details of GPS/GPRS facility	
8.	Details of other infrastructure	
9.	Details of Financial Condition	
10.	Details of fee paid	
11.	Details of Security Deposit by way of Bank Guarantee	

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 license granted to me is liable to be cancelled, besides initiating other legal action/actions against me. I have gone through the provisions of the Rajasthan On-demand Information Technology Based Transportation by Public Service Vehicles Rules, 2016; I accept the same and agree to abide by the said rules.

Place:
Date:

Signature of the Applicant/
Authorized signatory

FORM-2
[see rule 6]
License for an Aggregator

Mr /Mrs/MSrs----- is hereby licensed to function as an Aggregator under the Rajasthan On-demand Information Technology Based Transportation by Public Service Vehicles Rules, 2016, subject to the conditions contained in these rules.

1.	Name of the aggregator in full	
2.	Addresses of the main office	
3.	Addresses of branches	
4.	Telephone Number, web address and e-mail id	
5.	Number of Taxies (As per the list enclosed)	
6.	Particulars of the network through which the operator shall function	
7.	Details of fee Paid	
8.	Details of bank guarantee	

The license shall observe all the conditions contained in the Rajasthan On-demand Information Technology Based Transportation by Public Service Vehicles Rules, 2016.

This license is valid from-----to-----

Place:

Date:

State Transport Authority,
Rajasthan.

By the order of the Governor,



**(Dr. Manisha Arora)
Joint Secretary to the Government**