

Government of Jammu and Kashmir,
Transport Department, Civil Secretariat,
J&K, Jammu.

NOTIFICATION

Jammu, the ^{29th}.....August, 2023.

453 .- Whereas vide notification S.O 348 dated 04th of July, 2023, the draft Jammu and Kashmir Motor Vehicle Aggregator Rules, 2023, were published as required in terms of sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988), for inviting objections and suggestions from all the persons likely to be affected thereby, before expiry of the period of thirty days from the date on which the copies of the Official Gazette containing the said notification were made available to the public;

And whereas, copies of the said notification were made available to the public on 04th of July, 2023;

And whereas, the objections or suggestions received from the stakeholders in respect of the said draft rules have been considered by the Government of Jammu and Kashmir;

Now, therefore, in exercise of power conferred by section 93 of Motor Vehicles Act, 1988 (59 of 1988) read with Motor Vehicle Aggregator Guidelines, 2020 issued vide notification no S.O. 4251(E) dated November, 2020 by the Ministry of Road, Transport & Highways, Government of India, the Government of Jammu and Kashmir hereby make following rules, namely:-

Short title, extent and commencement.--

- (1) These rules may be called the Jammu and Kashmir Motor Vehicle Aggregator Rules, 2023.
- (2) They shall be applicable to aggregators operating in the Union territory of Jammu and Kashmir.
- (3) They shall come into force from the date of publication in the Official Gazette.

Definitions :-

- (1) **"Aggregator"**, as defined in section 1A of the Act, refers to a digital intermediary or market place for a passenger to connect with a driver for the purpose of transportation;
- (2) **"Act"**, means the Motor Vehicles Act, 1988, including the amendments made subsequently;
- (3) **"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;
- (4) **"Area of operation"** the Area of operation of a vehicle operating under these rules shall be the area / route for which the permit has been granted to it;
- (5) **"CMVR"** means The Central Motor Vehicles Rules, 1989, including the amendments made subsequently;
- (6) **"Computer resource"** shall have the meaning ascribed to it under the Information Technology Act, 2000, as amended subsequently;
- (7) **"Communication device"** shall have the meaning ascribed to it under the Information Technology Act 2000, as amended subsequently;
- (8) **"CERT-IN"** means Computer Emergency Response Team as provided in the Information Technology (Amendment) Act, 2008, wherein it has been designated to serve as the National Agency in the area of cyber security;
- (9) **"Fare"** means the total charges debited by the Aggregator to the Rider pursuant to the latter booking a ride through the Aggregator's App and completion of such ride;
- (10) **"Fee"** means the charges in respect of a license as prescribed under Rule 22 of these Rules;
- (11) **"Form"** means the form appended to these Rules;
- (12) **"Government"** means the Government of Jammu and Kashmir;
- (13) **"Licence"** means the licence issued to an Aggregator by the Licensing Authority;
- (14) **"Licensee"** means an Aggregator who holds Licence issued by the Licensing Authority notified by the Government;
- (15) **"Licensing Authority"** means the Transport Commissioner, J&K as defined in Jammu and Kashmir Motor Vehicle Rules, 1991;
- (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) **"Rating"** means an assessment of the quality of a trip availed by a Rider, on the successful completion of the trip;
- (19) **"Refresher Training Programme"** means an annual training session for drivers integrated with the Aggregator, for a period of atleast two days for cumulated 10 hours, delivered physically or virtually. The session shall include but not be limited to the course mentioned under the Induction Training Programme;
- (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 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 licence furnished as Fixed Deposit Receipt, unless provided otherwise;
- (23) **"Service Provider Contract"** means the contract agreed and executed between the Aggregator and the driver specifying therein, contractual rights and obligations of both parties;
- (24) **"Surge pricing"** means the output of an algorithm of an Aggregator, which automatically raises the price of a trip when demand outstrips supply within a fixed geographic area; and
- (25) **"Induction Training Programme"** shall have the meaning ascribed under rule 8(ii).

3. Applicability.--

These rules are applicable to Aggregators on-boarding transport vehicles in the area of operation. The vehicles that may be integrated by the Aggregator shall include all Motor Vehicles under the Act and e-rickshaw.

Necessity of License.--

No person shall act or permit any other person to act as an aggregator unless he holds an effective license issued under these rules.

5. Eligibility of an Aggregator.--

- (1) The applicant 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/Jammu and Kashmir Co-operative Societies Act, 1989 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.
- (2) The applicant shall have a registered office in India.

6. Application for grant or renewal of Licence and matters connected therewith.--

- (1) Any person who is eligible under rule 5, may make an application for grant of Licence in **Form I** appended to these Rules, accompanied by proof of payment of application fee, Security Deposit, and the following documents:-
 - a. Certificate of Incorporation, in case of a Company under the Companies Act, 2013 or 1956; or
 - b. Registration certificate, in case of a Cooperative Society registered under Co-operative Societies Act, 1912/ Jammu and Kashmir Co-Operative Societies Act, 1989; or
 - c. Partnership deed, in case of Partners under Limited Partnership Act, 2008;
 - d. A self attested affidavit from the Authorised Signatory of the Company/Cooperative Society/Partners, to the effect that the operations shall commence within six months from the grant of license; and that all the conditions laid down in rules 8, 9, 10, 11, 12, 13 & 14 of these Rules shall be complied with before commencement of operations;
 - e. A self attested Affidavit from the Authorised Signatory declaring therein that they have their own arrangement of a driving test facility with simulator(s), in Jammu and Kashmir or that they have outsourced it to a third party who have the facility of a driving simulator; and are authorised for operating such facility by the Motor Vehicles Department in Jammu and Kashmir; with respect to the vehicle to be on-boarded, for conducting induction Training Programme.

Explanation: Induction Training Programme refers to a compulsory (5) five-day training programme for cumulated thirty (30) hours conducted by the Aggregator prior to the commencement of on-boarding of vehicle, either independently or by liasoning with a professional institution for providing course compliant with National Skills Qualification Framework (NSFQ). 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:

- i. To efficiently use the Aggregator app;
- ii. On the provisions under the Motor Vehicles Act, 1988 and rules there under;
- iii. On road safety and first responder training for six (6) hours out of the total thirty (30) hours mentioned above;
- iv. On careful driving;
- v. On motor vehicle maintenance;
- vi. On maintenance of health and hygiene;
- vii. On fuel efficient driving;
- viii. On familiarization with the routes in the area of operation;
- ix. On the terms and conditions of the contract between the driver and the aggregator;
- x. On gender sensitization and safety of women and girl child.

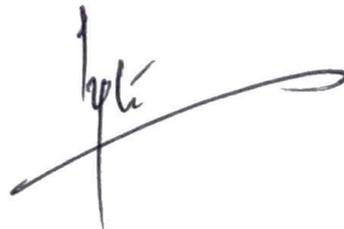
7. Grant, renewal and validity of licence.--

- (1) The licensing authority, after ensuring that the application is accompanied with requisite documents as per rule 6, shall grant the license in **Form III** appended to these rules within a period of thirty days from the date of receipt of an application complete in all respects. Provided further that:-
 - a. In case the licensing authority fails to decide on the application within a period of thirty days, it shall then be deemed that the license has been granted;
 - b. In case of rejection by the licensing authority, the reasons shall have to be recorded and communicated to the applicant.
- (2) A Licence granted shall be valid for a period of five (5) years from the date of issuance; subsequent to which it may be renewed for a period of five (5) years by the Licensing Authority on the basis of an application for renewal made by the Aggregator in **Form II** appended

- to these Rules. Notwithstanding anything provided in this rule, a license may be cancelled/suspended by the Licensing Authority as per rules 19 & 20 of these Rules.
- (3) For the purpose of renewal of license, the Licensing Authority shall examine the aggregator's records of compliance with these Rules. Provided further that the licensing authority may decide not to renew the license of an aggregator who has received five (5) suspensions during the preceding five (5) years of validity of such license.
- (4) A Licence issued under these Rules shall be transferred on a joint application being made by the transferor and transferee subject to compliance with these Rules.
- (5) Where the Licence is lost or destroyed, an application for issue of a duplicate shall be made in **Form IV** appended to these Rules along with the prescribed fee. A duplicate Licence so issued shall be marked "**Duplicate**" in red ink.

Compliances with regard to Drivers.--

- (1) The Aggregator shall ensure compliance with the following conditions, relevant to Drivers, prior to On-boarding of such Drivers:
- (a) The Driver should hold a valid proof of identity being an EIC card or Aadhaar card or PAN card.
- (b) The Driver shall be holder of a driving license to drive the relevant vehicle (as applicable) and a badge (as may be applicable).
- (c) The Driver shall have a minimum driving experience of 2 years. In case of the driving experience being less than 2 years, the Driver shall undertake a driver training facilitated by the Aggregator for a period of 15 days prior to On-boarding. This shall be in addition to the Induction Training Programme.
- (d) The Driver shall be a holder of KYC compliant bank account or holder of JanDhan account under the Pradhan Mantri Jan-Dhan Yojana, in accordance with the norms prescribed by Reserve Bank of India.
- (e) The Driver of the vehicle shall not have been convicted within the past 3 years, for the offence of driving under the influence of drugs or alcohol, or 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) The Driver shall undergo a complete medical examination, including eye check-up, by a hospital or medical institution prescribed by the Aggregator. Costs for such medical check-up shall be borne by the Aggregator.
- (g) 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. For facilitation of the same, the police authorities shall be provided access to the Aggregator's Application Programming Interface (API) by the Aggregator. Subsequent to such verification, the police authorities shall grant certificate of good moral character without any criminal record, to the Driver.
- (h) Execution of a valid enforceable Service Provider Contract with the relevant Driver in English and the language understood by the Driver, specifying at 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 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 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 sessions shall be documented and preserved for at least one year. The Aggregator may be permitted to collaborate and partner with any specialized institution authorised by the Jammu & Kashmir Motor Vehicles Department, for providing such training.
- (d) Ensuring that the Driver shall not be logged in for an aggregate of twelve (12) hours on a calendar day. A mandatory break of ten (10) hours for the Driver shall be imposed subsequent to a login extending twelve (12) hours.
- (e) The Aggregators to develop a mechanism on their respective Apps to ensure that Drivers engaged with more than one Aggregator do not drive beyond a cumulative period of 12 hours either on their or another Aggregators App so as to safeguard the Driver, passenger as well as road users.

- (f) 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;
- (g) A photograph of the Driver;
- (h) Driving license;
- (i) Present residential address alongwith proof;
- (j) RBI compliant KYC bank account details;
- (k) Self-attested copies of EIC card or Aadhaar card or PAN card.
- (l) Contact details and addresses of two members from the Driver's family.
- (m) Enabling the Drivers to operate with multiple Aggregators, provided each of them complies with the requirements and Driver training programs relevant to each Aggregator.
- (n) 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 authorization issued to the Driver by the Aggregator is confiscated.
- (o) 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.
- (p) Further, Drivers with ratings below two (2) percentiles shall be required mandatorily to undertake the Remedial Training Programme until the completion of which such Driver shall be off-boarded.

9. **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;
- (4) 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;
- (5) Valid third-party insurance;
- (6) Valid Pollution Under Control (PUC) certificate;

- (7) Compliance with emission norms of BS IV or above for motor cab and BS III or above for other vehicles;
- (8) Compliance with city specific fuel norms;
- (9) Updated payment of applicable taxes and other dues;
- (10) Clearance of pending e-challans applicable to the vehicle prior to integration of such vehicle;
- (11) 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;
- (12) Placement of a fire extinguisher;
- (13) Disabled child lock mechanism;
- (14) Enabled manual override for the central locking system;
- (15) Display inside the vehicle, except motor cycles, containing vehicle permit (as applicable) and copy of the Driver's driving license. 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.
- (16) Fitment of 'TAXI' roof sign visible from the front and rear on LMV, in compliance with Automotive Industry Standards (AIS) or any such standard specified.
- (17) 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
 - (e) Commercial insurance policy covering third party risk as prescribed in the Act.
 - (f) Pollution under control certificate.
 - (g) Clearance of pending e-challans within a period of 2 months from the issuance of such e-challans.

10. **Compliances with regard to the Aggregator's App and Website.--**

- (1) The App shall be formulated in a manner that is compliant with the applicable law.



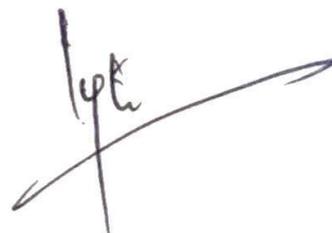
- (2) The App shall be accessible in English and Hindi as the primary languages, for the Rider alongwith one official language of Jammu & Kashmir. Additionally, the App shall be accessible in such language that is understandable by the Driver.
- (3) Ensuring that the in-app vulnerabilities are revealed 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 Jammu & Kashmir 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) 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 Jammu and Kashmir Government, by making disclosures on the Aggregators Website and App and updating such disclosures, as per requirement.
- (7) 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.
- (8) Ensuring that the picture of each Driver integrated with the Aggregator is clearly visible on the App.
- (9) Presence of the Website comprising details of the ownership, registered address, fare structure, services offered, consumer services telephone-number and email address and such other details as may be needed.
- (10) 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.
- (11) Establishing a control room with 24x7 operations within territorial jurisdiction of the licensing authority and ensuring that all the vehicles, on direction of the Aggregator, maintain uninterrupted contact with the control room. The control room shall be in a position to monitor the movements of all the vehicles on the directions of the Aggregator.
- (12) Establishing call centres 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 English and Hindi as the primary languages, for both the Driver and the Rider along with the option of an official language of the relevant state. These call centres 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 or after the completion of the ride for a period of 3 months as specified under clause 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 the complaint registered with the grievance redressal centre is criminal in nature, then the limitation period for filing such complaint shall be extended beyond the specified limit of 24 hours up to a maximum of 72 hours. In such scenario, the concerned Driver shall be Off-boarded from the Aggregator till such issue is not resolved.

Provided further that, in case of complaints against the Driver concerning violation of the provisions under the Act, the Driver shall be Off-boarded for a period of 2 days, from the day on which the complaint has been made.



- (13) Extending utmost cooperation with investigating authorities in relation to any untoward accident or incident involving jeopardizing 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 compliant to be integrated with the Aggregator as specified under Clause 7 above.
- (15) The Aggregator shall comply with the applicable provisions prescribed under the Act and the Information Technology Act, 2000, including intermediary guidelines. Safety of the App shall be certified by CERT- IN empanelled Cyber Security Firm.

11. 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 non-compliance of the same, developing a mechanism wherein 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 authorized by such Aggregator.

12. Ride Pooling.--

- (1) Aggregators may provide pooling facilities to Riders whose details and KYC are available who shall be travelling along the same route but with varied stoppages from one point to another under a virtual contract through the App.
- (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 certain Kilo-meters of detour from the route assigned to be undertaken for a destination specified by the first Rider in such vehicle.

13. Non-discrimination policy to be followed by the Aggregator.--

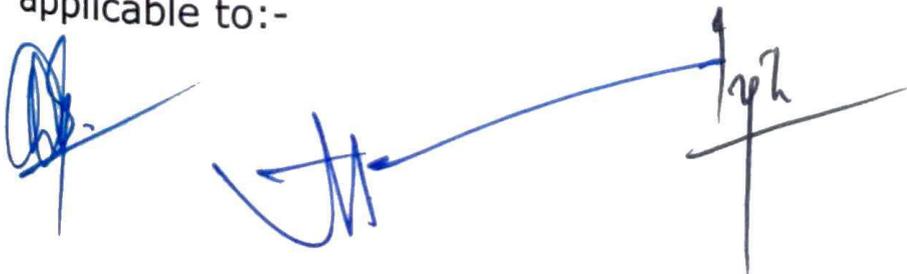
The Aggregator shall ensure that vehicles actually owned by the Aggregator are treated at parity with those vehicles which are not Aggregator owned, once such vehicles are integrated with the Aggregator.

14. Regulation of fares.--

- (1) The city taxi fare indexed by Wholesale Price Index (WPI) for the current year shall be the base fare chargeable to customers availing Aggregator service.
- (2) The base minimum fare chargeable to customers availing Aggregator services shall be, for a minimum of 3 kilometres to compensate for dead mileage and distance travelled and fuel utilized for picking up the customers.
- (3) The Aggregator shall be permitted to charge a fare 50% lower than the base fare and a maximum Surge pricing of 1.5 times the base fare specified under Cause 14(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.
- (4) The Driver 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.
- (5) For the purposes of motor cabs, fare regulation under this Rule 14 shall only be applicable for motor cabs not exceeding 4 meters of length of below engine capacity of 1500cc diesel or petrol.
- (6) No passenger shall be charged for dead mileage (except when the distance for availing the ride is less than 3 kms as mentioned under Clause 14(2) above and the fare shall be charged only from the point of boarding to the point of alighting.

15. Exemption from application of Rule 14.--

- (1) Fare regulation as provided under Rule 14 above shall not be applicable to:-

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- (a) Electric/alternate fuel vehicles of all categories.
- (b) Vehicles driven by women drivers.
- (c) Vehicles driven by transgender drivers.
- (d) The entire fleet of vehicles of those aggregators who have on-boarded electric/alternate fuel vehicles of "Category M", as defined in CMVR, to the extent of at least ten (10) percent of this segment of the fleet.
- (e) The entire fleet of vehicles of those aggregators who have women comprising at least twenty five (25) percent of their on-boarded drivers.

16. Cancellation of Rides.--

- (1) On cancellation of a booking by a Driver, subsequent to accepting a 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 stipulated by the Aggregator on its Website and on the App.
- (2) On cancellation of a booking by a Rider, subsequent to booking a 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 stipulated 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 Clause 14(4) hereinabove.

17. Aggregation of non-transport vehicles by Aggregators.--

- (1) An aggregator may on board non-transport vehicles that have been permitted to operate as commercial vehicles in accordance with the J&K Motor Vehicle Rules, 1991, as amended subsequently.
- (2) In addition to the compliances mentioned in these rules, read with the J&K Motor Vehicle Rules, 1991, as may be applicable, the following shall be complied with by the Aggregator seeking to aggregate non-transport vehicles:-
 - (a) A maximum of four ride-sharing intra-city trips on a calendar day and a maximum of 2 ride-sharing inter-city trips per week shall be permitted for each vehicle with the driver, integrated with the Aggregator.
 - (b) The vehicle integrated under this rule 17 shall obtain an insurance of at least Rs. Five (5) lakh for the ride-sharers in the

vehicle, other than the owner or driver integrated with the Aggregator.

10. Suspension of Aggregator License.--

- (1) Suo moto or on a complaint made to the Licensing Authority, subsequent to providing the Aggregator with an opportunity of being heard within fifteen (15) days from date of such complaint or suo moto 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 ("Suspension Order") 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 Government under rule 21(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 rules amounting to minor, moderate or gross offences, as may be determined by the Government. The following parameters may be considered by the Government while categorizing the offences of non-compliance with these rules;
 - i. Effect on health and safety of Riders and/or Drivers which may have been averted by complying with these rules;
 - ii. Number of deaths or severe injuries to Riders and/or Drivers caused due to violation of safety standards by the Aggregator;
 - iii. Effect on Drivers' welfare and livelihood due to violation of contractual obligations;
 - iv. Severity of financial swindling;
 - v. And such other parameters as the Government may deem fit and appropriate.



PROVIDED that where the Aggregator is liable to be suspended and the Licensing Authority is of the opinion that having regard to the circumstances of the case it would not be necessary or expedient to suspend the License, the Aggregator may pay a sum as decided by the licensing authority not exceeding Rs. 10000. This is notwithstanding the fine imposed against the Aggregator under Section 193 (2) of the Act.

- (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 Licensing 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 shall not be less than 2 months but not more than 6 months ("Probationary Period") while still withholding the Aggregator's License.
- (3) During the Probationary Period, the Aggregator shall continue operations and rectify the reasons causing the former suspension while ensuring compliance with these rules in its entirety. Subsequent to the expiry of the Probationary Period the Licensing Authority shall examine the operations of the Aggregator to ensure compliance with these rules and rectification of the issues causing the former suspension.
- (4) If the Licensing Authority stands satisfied pursuant to the examination at the end of the probationary period, the Licensing Authority shall issue a no objection certificate (NOC) to the Aggregator and return the License, subsequent to which the Probationary period of seven (7) 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 (7) days and the License shall be returned. If the requisite rectifications remain unsatisfied, the Licensing Authority may within fifteen (15) days, after giving an opportunity of being heard to the Aggregator, suspend the License for 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 this rule 18(2), 18(3) and 18(4) above.
- (6) Without prejudice to an order of suspension passed by the Licensing Authority, the security provided by way of bank guarantee may also be forfeited in part, depending upon the extent of the violation. If the security is forfeited, the same shall only be returned on the Aggregator receiving the License again and not during either of the Probationary Period.
- (7) Where a License is suspended, the Aggregator shall immediately stop all operations under the License till the time such suspension is revoked.

19. 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 Government under rule 18(1) (d) above.
- (2) The Licensing Authority may within two (2) days of issuing the show cause notice provide an opportunity of being heard to the Aggregator and thereafter cancel the license.
- (3) Where a license is cancelled, the Aggregator shall immediately stop all operations under the license.
- (4) Without prejudice to an order of cancellation passed by the Licensing Authority, the security provided by way of bank guarantee shall be forfeited in full.
- (5) 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.

20. Appeal.-

- (1) The Aggregator aggrieved by any order passed by the Licensing Authority may, within 30 days of receipt of the order, appeal to Government in Transport Department.
- (2) An appeal shall be in the form of a memorandum in duplicate setting forth the grounds for the appeal and shall be accompanied

by the requisite fee and the certified copy of the order passed by the Licensing Authority.

21. Powers and Responsibilities of the Government.-

- (1) The Government shall be empowered to call for such information and documents from the Aggregator, as deemed fit to ensure compliance by the Aggregator with these rules 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 Government shall have the power to conduct search and investigation of the Aggregator's premises, as specified in Form I of these Rules, for the effective implementation of these rules;
- (3) The Government 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 Government shall ensure complete confidentiality and secrecy of the documents and information obtained from the Aggregator under rules 21(1) above and any such other information which it may call for.

22. Fee for Aggregator.-

S. No	Particulars	Amount in Rupees
1	Grant of license	5,00,000
2	Renewal of License	2,500
3	Issue of duplicate license	2,500
4	For noting change of address of the Licensee	2,500

23. Security Deposit for Aggregator.-

S. No	Particulars	Amount in Rupees
1	Up to 100 buses or 1000 other motor vehicles	1,00,000
2	Up to 1000 buses or 10000 other motor vehicles	2,50,000
3	More than 1000 buses or 10000 other motor vehicles	500,000

24. **Repeal and Savings.** - (1) The Jammu and Kashmir Taxi Aggregator Rules, 2020 (hereafter in this section referred to as the repealed rules) are hereby repealed.



Notwithstanding such repeal, any action taken under the rules so repealed shall be deemed to have taken under the corresponding provision of these Rules.

By order of the Government of Jammu & Kashmir.

Sd/-

(G. Prasanna Ramaswamy) IAS
Secretary to the Government

TRPT-MVDON/21/2022-02-TPT

Dated: 29.08.2023

to the:

1. All Financial Commissioners (ACS), J&K.
2. All Administrative Secretaries.
3. Principal Secretary to Hon'ble Lieutenant Governor, J&K.
4. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
5. Divisional Commissioner Jammu/Kashmir.
6. Transport Commissioner, J&K Jammu.
7. All Deputy Commissioners.
8. Managing Director, JKRTC, J&K, Jammu.
9. Director, State Motor Garages, J&K, Jammu.
10. OSD to Advisor (B) to Hon'ble Governor.
11. Scientist 'C' In-charge NIC, Jammu.
12. Pvt. Secretary to Chief Secretary, J&K.
13. Pvt. Secretary to Secretary to Government, Transport Department.
14. Incharge Website.
15. S.O. file

 29/08/23

(Chand Singh) JKAS

Deputy Secretary to the Government
Transport Department



FORM I**[See Rule 6(1)]****Application for the Grant of License for Aggregator under the Jammu and Kashmir Motor Vehicle Aggregator Rules, 2023**To,
The Transport Commissioner, J&K

I, the undersigned hereby apply for grant of a License for operation as an Aggregator under the Jammu and Kashmir Motor Vehicle Aggregator Rules, 2023.

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; or b. If a corporative society, enclose a copy of certificate of registration of the Society; or c. If Partners under Limited Partnership Act, 2008, enclose a copy of the partnership deed.	
5	Name and contact "details of Key Managerial Personnel or Authorized Signatory	1. 2. 3.
6	Telephone number, website address and Email ID	
7	Affidavit as per Rule [6 (1) (d)] & [6 (1) (e)]	
8	Details of fee paid along with proof of payment	
9	Details of security deposit by way of Bank Guarantee in favour of Transport Commissioner, J&K	

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 Jammu and Kashmir Motor Vehicle Aggregator Rules, 2023. 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)

FORM II
[See rule 7(2)]
Application for the Renewal of License for Aggregator under the Jammu and Kashmir Motor Vehicle Aggregator Rules, 2023

To,
 The Transport Commissioner, J&K

I, the undersigned hereby apply for renewal of Taxi Aggregator License for operation as an Aggregator under the Jammu and Kashmir Motor Vehicle Aggregator Rules, 2023.

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; or b. If a corporative society, enclose a copy of certificate of registration of the Society; or c. If Partners under Limited Partnership Act, 2008, enclose a copy of the partnership deed.	
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 license: a. License Number b. No. of suspensions, if any, and details thereof.	
12	Details of fee paid along with proof of payment	
13	Details of security deposit by way of Bank Guarantee in favour of Transport Commissioner, J&K	

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 Jammu and Kashmir Motor Vehicle Aggregator Rules, 2023. 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)




FORM III
[See rule 7(1)]
License for Aggregator

Mr./Mrs./M/s [] is hereby licensed to operate as an Aggregator under the Motor vehicles Act, 1988 in compliance with the Rules stipulated under the Jammu and Kashmir Motor Vehicle Aggregator Rules, 2023.

1	Name of the Aggregator (in full)	
2	Addresses of the main office	
3	Addresses of the branches, if any	
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 required at the time of renewal)	
6	Details of fee paid	
7	Details of bank guarantee	

The licensee shall comply with all the relevant rules as mandated under the Jammu and Kashmir Motor Vehicle Aggregator Rules, 2023.

Place:

Date:

Signature of the Licensing Authority

FORM IV
[See rule 7(4)]
Application for the issue of Duplicate License

To
The Transport Commissioner, J&K

Sr. Madam,

The License issued to [Name of the License] under clause 6(1) of the Jammu and Kashmir Motor Vehicle Aggregator Rules, 2023 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 license has not been suspended or cancelled under the provision 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 license.

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

Place:

Date:

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

