



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

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No. 33 Dispur, Tuesday, 30th January, 2018, 10th Magha, 1939 (S.E.)

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
TRANSPORT DEPARTMENT

NOTIFICATION

The 18th January, 2018

No. TMV.185/2016/88 .- Whereas it is necessary to promote and ensure compliance with law and safety of passengers who use I.T. 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 therein the aspects to be taken into account for the aforesaid purpose;

Whereas section 93 of the Motor Vehicles Act, 1988(Central Act 59 of 1988) requires that any person engaged in soliciting customers for travel by public service vehicles is required to obtain a Licence from the appropriate authority and such Licence shall be subject to such condition as may be prescribed by the State Government;

Now, therefore, the draft of certain rules namely - The Assam On-demand Transportation Technology Aggregators Rules, 2017, which the Governor of Assam proposes to make in exercise of the powers conferred under section's 93, 95(1) and 96(1) read with section 212 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988), is hereby published as required by sub-section (1) of section 212 of

the Motor Vehicles Act, 1988 (Central Act 59 of 1988) for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the expiry of a period of 45 (forty five) days from the date of publication of this notification in the Official Gazette;

Any objection and suggestion which may be received from any person with respect to the draft rules before the expiry of the period of 45 (forty five) days as specified above will be considered by the Governor;

Objections or suggestions, if any, may be sent to the Commissioner & Secretary, Transport Department, Dispur, Assam.

RULES

1. Short title, extent and commencement.-

- (1) These rules may be called The Assam On-demand Transportation Technology Aggregators Rules, 2017.
- (2) It shall be applicable to Aggregators operating in the State of Assam.
- (3) They shall come into force from the date of their publication in the Official Gazette.

2. DEFINITIONS .- In these Rules, unless the context otherwise requires,-

- (1) "Act" means Motor Vehicles Act, 1988 (Central Act 59 of 1988);
- (2) "Aggregator" means a person who is an aggregator or operator or an intermediary/market place who canvasses or solicits or facilitates passengers for travel by a taxi and who connects the passengers/intending passenger to a driver of a taxi through phone calls, internet, Web-based services or GPS/GPRS based services whether or not any fare, fee, commission, brokerage or other charges are collected for providing such services;
- (3) "Form" means form appended to these rules;
- (4) "Licence" means a licence issued to an aggregator under these rules;
- (5) "Licencee" means an aggregator who holds licence issued under these rules;
- (6) "Licensing Authority" means The State Transport Authority, Assam;
- (7) "Taxi" means a motor cab having a seating capacity not exceeding 6 passengers excluding the driver with public service permit on contract;

(8) Words and expression used in these Rules and not defined herein shall have the same meanings assigned to them in the Act and the Assam Motor Vehicles Rules, 2003.

3. **Necessity for Licence.** – No person shall act or permit any other person to act as an aggregator unless he holds an effective licence issued to him under these rules.

4. **Application for grant of licence and matters connected therewith.-**

(1) Any person may make an application for grant of licence in Form 1 of Appendix-I appended to these rules, accompanied by proof of payment of appropriate fee and other security deposits.

(2) A licence granted under these rules shall be valid for period of 1(one) year from the date of grant or renewal as required under rule 53(A) of Assam Motor Vehicles Rules, 2003.

(3) A licence granted under these rules may be renewed for a period of 1(one) year on an application made not less than 30(thirty) 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 rules for grant or renewal of licence are not complied with by the applicant, the licensing authority may reject such application after giving an opportunity of being heard.

(5) On being satisfied that the applicant has complied with all the conditions prescribed for grant or renewal of a licence under these rules, the licensing authority shall issue a licence to the applicant in Form 2 of Appendix-I appended to these rules or renew the same, as the case may be.

(6) A licence issued or renewed under these rules 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 licence is lost or destroyed, an application for issue of a duplicate licence shall be made alongwith the prescribed fee. A duplicate licence so issued shall be marked "Duplicate" in red ink.

- (8) Urban local bodies may as per provision of the Assam Municipal Act, 1956 (Assam Act No. 15 of 1957) and the Gauhati Municipal Corporation Act, 1969 (Assam Act I of 1973) will be eligible for issuing trade licence in their respective areas.

5. PROFILE OF AGGREGATOR.-

- (1) The applicant may be an individual or a company registered under the Companies Act, 2013 (Central Act 18 of 2013) or a firm registered under the Indian Partnership Act, 1932 (Central Act 9 of 1932).
- (2) The applicant shall comply with all applicable rules and regulations prescribed under the Act and also the Information Technology Act, 2000 (Central Act 21 of 2000) including the intermediary guidelines.

6. **Conditions for grant or renewal of a licence.-** The applicant for a licence shall satisfy that he has facilities for monitoring the movement of taxies with the help of Global Positioning System (GPS), General Packet Radio Service (GPRS), along with a 24x 7 control room facility with linkage with Police control room and Transport control room at his own cost.

7. **Vehicle Profile.-** (1) Every taxi, for the purpose of inclusion in a licence, shall,-

- (a) be covered with a contract carriage permit issued under section 74 or under sub-section (8) of section 88 of the Act;
- (b) have a display board inside the Taxi containing vehicle permit and the driver's details such as photograph, name, Driving licence particulars and ID card issued by police authorities. The display board shall be clearly visible to the passengers in the taxi;
- (c) be capable of being tracked continuously with Global Positioning System (GPS), General Packet Radio Service (GPRS) facility with a provision of a panic button for the use of the passengers, capable of alerting the control room of aggregator as well as local Police without any hindrance or interference by the driver;
- (d) be fitted with single integrated Global Positioning System (GPS), General Packet Radio Service (GPRS) capable vehicle tracking unit with Printer, display panel and digital fare meter as per the specifications detailed in Appendix -II, capable of generating a printed receipt to be given to the passengers;

- (e) be fitted with an yellow coloured display board with words "Taxi " visible both from the front and the rear. The board shall be capable of being illuminated during the night hours;
- (f) have a specific colour branding of the vehicles under a particular aggregator;
- (g) the drivers/ aggregators shall mandatory register their Global Positioning System (GPS), General Packet Radio Service (GPRS) tracking technology with Assam Police dial 100 or any other cyber unit.

8. Driver's qualifications.- (1) Driver of a Taxi shall have the following qualifications :-

- (a) He shall be holder of a licence to drive light motor vehicles (transport).
- (b) He shall have a minimum driving experience of two years.
- (c) He shall be a resident of Assam for a minimum period of two years.
- (d) He shall have a working knowledge of Assamese, Hindi or English.
- (e) He shall be of a good moral character without any criminal record.
- (f) He shall be a holder of KYC compliance bank account in accordance with the norms prescribed by Reserve Bank of India.
- (g) Information on driving licence, insurance, transfer, registration of the vehicle shall be registered with local police.

(2) The driver of a Taxi shall behave in a civil and orderly manner with the passengers or intending passengers and shall not give room for any complaints from them and shall not indulge in any touting activities or force or compel customers to use his services.

(3) The driver of a taxi shall not have been convicted within the past seven years, for the offence of driving under the influence of drugs or alcohol, or any cognizable offence under the Criminal Procedure Code, 1973 (Central Act 2 of 1974), 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.

(4) The driver of a specific aggregator must wear 'uniform'.

9. Hire charges.- (1) On behalf of the owner of the vehicle, the driver or the aggregator shall collect hire charges from the passengers as per the fare indicating method stated in clause (d) of rule 7 of these rules.

(2) In any case, the fare including any other charges, if any, shall not be higher than the fare fixed by the Government from time to time.

(3) No passenger shall be charged for dead mileage and the fare shall be charged only from the point of boarding to the point of alighting.

10. General Conditions to be observed by a licensee.-

(1) The licensee shall, -

(a) provide an address within the area of operation in the jurisdiction of the Licensing Authority along with details of the person- in – charge of the affairs;

(b) neither shift his place of business, nor any of his branches as mentioned in the licence or open a new branch without a written permission from the Licensing Authority;

(c) provide a list of drivers, their Licence numbers, the vehicle registration numbers and the chassis and engine numbers and permit details of Taxis operated by him to the Licensing Authority on a quarterly basis;

(d) maintain the copies of the following up-dated records relating to the drivers (after verification with the originals): -

(i) a photograph of the driver;

(ii) driving Licence ;

(iii) present home address with proof of residential address;

(iv) RBI compliance KYC bank account details;

(v) self- attested copy of Pan Card ;

(vi) contact details and address of two family members.

(e) maintain the copies of the following up-dated records relating to the driver's vehicle (after verification with the originals): -

(i) Certificate of Registration;

(ii) Certificate of Fitness;

(iii) Permit of the vehicle;

(iv) Commercial insurance policy covering for third party risks as prescribed in the Act;

(v) Pollution under control certificate.

(f) implement a zero tolerance policy on the use of drugs, alcohol and sexual misconduct 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 reasonable suspects that the driver was under the influence of drugs, alcohol or causes sexual misconduct during the course of the ride. The licensee shall immediately deactivate or suspend such driver's access to the platform upon receipt of a passenger's complaint alleging violation of the zero tolerance policy. Further, the driver/aggregator must ensure safety of woman passenger. There shall be zero tolerance to discrimination or discriminatory conduct, abusive language or refusal of service by the driver/ aggregator to passengers. The suspension shall last or continue during the period of investigation by the licensee;

(g) ensure that the antecedents of every driver of a Taxi is verified by the police authorities before the driver is allowed to use the licensee's platform;

(h) arrange at least once in a year structured refresher training programme for the drivers not only for safe driving skills but also gender sensitization and etiquette towards passengers etc. Conduct of all such training programmes shall be documented and preserved at least for one year. The driver shall not be allowed to work beyond the maximum number of hours as stipulated under Motor Transport Workers Act, 1961 (Central Act 27 of 1961);

(i) periodically check and maintain a register regarding the details of all the documents of all taxies at his command;

(j) ensure that all the taxies at his command maintain uninterrupted contact with the control room. The control room shall be in a position to monitor the movements of all the vehicles at his command;

(k) the rider must have the option to submit their grievances on difficulties faced during the travel via the web or through the mobile app or telephone number;

(l) ensure that the grievances or complaints of passengers or any other persons received, by him shall be attended by the grievance officer appointed by him and they must be made available to the inspecting authorities on demand;

(m) provide the taxies covered with a permit issued under section 74 or under sub-section (8) of section 88 of the Act as per the requirement of the passengers;

(n) give liberty to the permit holder who is in operation under his company to operate his vehicle simultaneously with any other aggregator as per his discretion;

(o) ensure that the Taxi service is available all the time 24x7 without any interruption;

(p) on termination or end of the agreement with permit holder, remove all the equipments or brand stickers and confiscate the identity card or authorization issued-to the driver;

(q) maintain a web portal containing all details regarding the owners of the vehicles, services offered, fare structure, insurance liabilities, control room number, name and contact details of a duly appointed grievance redressal officer;

(r) send photo of the driver along with vehicle registration number and other details of the driver to the customer's mobile before boarding;

(s) publish beforehand its policy on taxi fare, registration of taxis and drivers with its platform or app, sharing of fares with taxi owners and / or drivers, safety of passengers, grievance redressal mechanism for passengers etc.

(2) If the licensee uses or causes or allows a Taxi to be used in any manner not authorized by the permit of provisions mentioned herein, the licensee and the driver shall be jointly and severally responsible for such defaults and for payment of penalty under the provisions of the Act and Rules.

(3) If any untoward incident occurs during the course of a ride, the licensee shall inform the same to the licensing authority as well as to the jurisdictional police immediately.

(4) The Licensing Authority may, after notice of not less than 30 days to the licensee, vary any conditions or may add fresh conditions.

(5) The licensee and owners of the Taxi should ensure that the drivers do not use mobile phone while driving.

11. Power of the licensing authority to suspend or cancel the Licence.- (1) The Licencing Authority may, after giving an opportunity of being heard to the licensee, suspend the licence for a period which shall not be less than 30 days and which shall not exceed 6 months at a time or may cancel the licence, if,-

- (a) the licensee fails to comply with any of the requirements or conditions of these rules, or
- (b) any Taxi operated by the licensee fails to comply with any of the requirements or conditions of these rules, or.
- (c) any driver of a Taxi operated by him violates any requirements or conditions of these rules, or.
- (d) a passenger's complaint of misbehaviour or misdemeanour on the part of the driver or the licensee or any of his employees is found to be correct after enquiry.

(2) Where a licence is suspended or cancelled, the licensee shall surrender the licence to the licensing authority within three days of receipt of order of suspension or cancellation and shall immediately stop all operations under the licence.

(3) Where the licence is liable to be suspended or cancelled and the licensing authority is of the opinion that it would be expedient to impose a fine on the licensee in lieu of suspending or cancelling the licence, the licensing authority may require the licensee to pay a fine which shall not be less than Rs. 5,000 but not exceeding Rs. 10,000/-.

(4) Without prejudice to an order of suspension or cancellation passed by the licensing authority, the security provided by way of bank guarantee may also be forfeited either in part or in full, depending upon the gravity of the violation.

(5) The licensee may, at any time, voluntarily surrender the licence for cancellation. On such surrender of the licence, the security by way of bank guarantee if any shall be returned to the licensee after the payment of outstanding dues if any.

12. Appeals.- (1) The licensee aggrieved by any order passed by the licencing authority may, within 30 days of receipt of the order, appeal to the Assam State Transport Appellate Tribunal, Assam.

(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.

13. Fees.- The fee in respect of a licence shall be as follows: -

Sl. No.	Purpose	Amount in Rupees
1.	Grant /renewal of licence	20,000/-
2.	Issue of duplicate licence	5000
3.	Transfer of licence	
	(a) In case of death of individual licence	10,000
	(b) In other cases	5,000
4.	For making change of address of the licensee	5,000
5.	For permission to open a new branch office in a District	10,000
6.	Appeal	5,000

14. Security Deposits'. - Applicant for a licence under these Rules shall furnish a security deposit amounting Rs.5,000/- in the form of bank guarantee from any Nationalized Bank situated within the Jurisdiction of Guwahati City.

APPENDIX – I
FROM – 1

[See rule 4 (1)]

Application for the grant/renewal of Aggregator's Licence Under The Assam On-demand Transportation Technology Aggregators Rules, 2017.

To,

The Secretary,
State Transport Authority, Assam

1.	Name in full	
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 Taxies 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	

The Secretary,
State Transport Authority, Assam.

I, hereby apply for grant / renewal of a Licence for operation as an Aggregator under The Assam On-demand Transportation Technology Aggregators Rules, 2017.

I further 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 Assam On-demand Transportation Technology Aggregators Rules, 2017, I accept the same and agree to abide by the said Rules.

Place:

Date:

Signature of the Applicant/
Authorize signatory

FORM – 2

[See Rule 4 (5)]
Licence for an Aggregator

Mr/Mrs/Msrs _____ is hereby licenced to function as an Aggregator under The Assam On-demand Transportation Technology Aggregators Rules 2017, subject to the conditions contained in the Rules.

1.	Name of the aggregator in full	
2.	Address of the main office	
3.	Address 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 licensee shall observe all the conditions contained in The Assam On-demand Transportation technology Aggregators Rules 2017.

This licence is valid from to.....

Place:

Date:

Secretary,
State Transport Authority.

APPENDIX – II

[See Rule 7 (d)]

Integrated GPS / GPRS capable vehicle tracking unit (VTU) with printer, display panel and fare meter.

Sl. No.	SPECIFICATIONS
1	General features :- GPS/GPRS or both (Location, speed, heading timestamp) data polling and sending frequency capability of less than or equal to 10 sec.
2	Location on demand on GPRS/SMS.
3	Memory to store min 40000 positional log.
4	Configurable backup SMS facility in case of GPRS Failure.
5	Capability to send serving and adjacent cell ID as well as network measurement report (NMR) i.e., neighboring cell ids so that location can be ascertained using cell Id, if GPS fix is lost.
	GPS Module Specification
1	Parallel GPS or GLONASS or both receiver module with 32 (minimum) acquisition channels & 18 minimum tracking channels.
2	Acquisition sensitivity better than (-0 165dBm.
3	Tracking sensitivity better than (-) 160dBm.
4	Accuracy of Less than 8m Positional Accuracy 2DRMS, (on ground) or 2.5m CEP.
5	Hot start <5s.
6	Warm start : <20s
7	Cold start 40s.
8	Outputs as per NMEA 0183.
9	WGS-84 compliant.
10	Network server based real – time A-GPS.
	GPRS
1	In-Built Quad-band GPRS module/Modem.
2	Multi Slot GPRS.
3	GPRS class 10 or Above.
4	Should support all – SMS, Voice, Data, GPRS, TCP/IP.
	Power Characteristics
1	Input Voltage range 8-32 volts.

2	Battery backup of minimum of 4 hours with active mode of operation i.e., when vehicle is plying on a trip.
	Environmental Variables
1	Temperature range; -25 ⁰ C to 85 ⁰ C (without LCD), -20 ⁰ C to 70 ⁰ C (with LCD).
2	Humidity Level : 5% to 95% non – condensing.
3	Dust, temperature, vibration and water splash resistant.
4	IP 65 rated or equivalent. With heat resistant, vibration proof, tamper proof (printer assembly can be excluded as it has a slit to push the paper out).
5	Automotive grade unit with components and manufacturing process as required for automotive use.
	Antenna
1	Should have internal GPRS antenna
2	Should have internal GPS antenna
	PORT/Sensors (External I/O)
1	Transmit line, receive Line
a	2 x USB Ports
2	I/O (minimum 4 I/o ports as explained below)
a	2 Digital Input, 1 Analog Input
3	Emergency Button I/o
4	Debugging port (I)
	Geo-fencing
1	Facility to update route Geo-fence in the device over the air (Device can store the route between a start and end point and can compare the actual path traversed, with the rout stored. This can be used to generate an alert if vehicle deviates from the route stored).
2	VTU should be capable of generating a visual & audible alert, in case vehicle deviates more than allowed deviation from route loaded on device before trip start.
	Others features
1	Emergency button
2	Processor : minimum 32 bit, minimum 400 MHz or above

3	Device should be capable of sending a packet to 2 different IP's simultaneously.
4	Status LED's to indicate Power, GPS and GPRS status.
5	Over the Air Download of firmware as well as configuration parameters.
6	Remote administration & firmware update over the air.
7	Integration with Fare Meter for cab.
8	<p>Printer</p> <ul style="list-style-type: none"> (i) Font : 12 x 24 (ii) Print Width : 2 inch minimum (iii) Print Speed : 60mm / sec (iv) Print: English, Alphanumeric charaters (v)Resolution : 8 dots / mm (vi) Print receipt should have the following fields as mentioned below; <ul style="list-style-type: none"> a) Vehicle number b) Start time c) End Time d) Trip details e) Trip distance f) Waiting Time g) Night time flag / Charge h) Any other information, which can be provided from back end.
9	<p>Display</p> <ul style="list-style-type: none"> (a) Viewing area 7.0" diagonal (b) Aspect Ratio 4:3 (c) VGA 640 x 480 Resolution (d) Colour TFT Double Replaceable CCFL Display (e) Display clearly viewable with 400 cd/m² (f) Ambient Light Sensor with 32 steps Automatic Regulation. (g) Navigator to display the projected route between "Pick-up and drop point" and show the LU of VTU, Indicating vehicle current position. (h) Capability to expand the map (increase the zoom level of map display)

10	<p>Switches / Buttons Mechanism</p> <ul style="list-style-type: none">(i) Trip Start (Mandatory & Integrated with the meter start)(ii) Trip End (Mandatory & Integrated with the end of meter)(iii) Waiting (Visual Display)(iv) Emergency button to trigger the panic alert message : It should be activated if pressed for more than or equal to a specified duration & must be configurable.(v) Print button to get the bill printed.
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ASHUTOSH AGNIHOTRI,
Commissinoer & Secretary to the Govt. of Assam,
Transport Department.