

DRAFT SCHEME – For Public comments

Date: January 24, 2022

MOTOR VEHICLE AGGREGATORS SCHEME, 2021

In exercise of the powers conferred to the State Government under sub-section (3) of section 67 of the Motor Vehicle Act, the Transport Dept, GNCTD here by prepares the following draft of the Motor Vehicle Scheme for licensing and regulation of aggregators providing passenger transport services and for regulation of other delivery aggregators providing delivery service of goods and services, including last-mile delivery service providers in the National Capital Territory of Delhi.

Objection or suggestions on this behalf should be addressed to the Principal Secretary-cum Commissioner (Transport), Government of National Capital Territory of Delhi, Transport Department, 5/9 Under Hill Road, Delhi – 110054 [or at commtpt@nic.in with a copy to delhievcell@gmail.com by 18.02.2022.

1. Short title, extent, and commencement

This scheme may be called the Motor Vehicle Aggregators Scheme, 2021.

They will extend to the National Capital Territory of Delhi.

They shall come into force on the date of their publication in the Official Gazette.

2. Definitions:

“Act: means the Motor Vehicle Act, 1988

“Aggregator” shall mean any person/entity which owns, operates, or manages a digital or an electronic facility or a web platform for a passenger to connect with a driver for the purpose of transportation, or connects a driver offering to deliver/pick up a product, package or parcel from a seller, e-commerce entity or consignor.

“e-commerce entity” means any person/entity that owns, operates, or manages a digital or electronic facility or platform for electronic commerce, but does not include any entity or business notified otherwise by the Government for the said purpose from time to time.

"App"

means an electronic interface operated by the Aggregator or e-commerce entity that may be accessed either through a computer resource or a communication device.

"Area of Operation" shall have the meaning ascribed to 'area' under the Act;

"Communication device" shall have the meaning ascribed to it under the Information Technology Act, 2000.

"Competent Authority" means the Transport Department, Government of National Capital Territory of Delhi (GNCTD), or any other authority empowered by the Government of National Capital Territory of Delhi (GNCTD), to issue Licence under Section 93 of the Act or to issue Permit under this scheme.

"Computer resource" shall have the meaning ascribed to it under the Information Technology Act, 2000.

"Driver" has the same meaning as assigned to it in the Act, and in the context of this scheme, shall include drivers of the vehicles on-boarded by an Aggregator for the provision of transport or delivery services.

"Electric Vehicle" shall mean a Battery-Operated Vehicle, as defined in the Central Motor Vehicles Rules 1989,

"Electronic service provider" has the same meaning as assigned to the term under the Consumer Protection Act, 2019.

"End-user" refers to the customer of the Aggregator, which is providing passenger transport service, or last-mile delivery services.

"Fare" means the total charges debited by the Aggregator providing passenger transport service to the End-User pursuant to the latter booking a ride through the Aggregator's App and completion of such ride;

"Fee" means the charges in respect of a license as a prescribed provision **[Annexure 3]**

"Fleet" refers to the motor vehicle fleet, including battery-operated Electric Vehicles, used to carry out the services provided by the Aggregator.

"Licence" means the license issued to an Aggregator by the Transport Department, GNCTD, to carry out operations in the National Capital Territory of Delhi under Section 93 of the Act.

"On-Boarding" of a driver (and their vehicle) means successful execution of a service provider contract that is agreed and executed between the Aggregator and the Driver specifying the contractual rights and obligations of all the parties. Post execution of such contract, the driver shall be ascribed as integrated to the aggregator.

"Off-Boarding" means the termination of any such service provider contract (as described in 2.17) between the aggregator and the driver (or/and their vehicle).

"Rating" means an assessment of the quality of a completed trip availed by an End-user using the Aggregator's App, or the assessment by the End-user of the quality of delivery completed by the Driver on behalf of the Aggregator;

"Security Deposit " means the amount that shall be payable by an Aggregator applying for a License furnished as bank guarantee unless provided otherwise;

"State" includes a Union Territory;

"Dynamic Pricing" means the output of an algorithm of an Aggregator, which automatically raises the price of a trip (Surge pricing) when demand outstrips supply within a fixed geographic area.

3. Scope and Applicability

This scheme shall be applicable to Aggregators (as defined under Section 2.2 of the scheme) and to the vehicles that may be integrated by the Aggregator.

This scheme shall be applicable to Aggregators with at least 50 motor vehicles in their fleet.

This scheme shall be applicable to Aggregators which have on-boarded 2-W, 3-W and 4-W vehicles, and shall not apply for buses.

This scheme is introduced to regulate the services of Aggregators who ply their vehicles in the National Capital Territory (NCT) of Delhi and to bring the provision of such services into alignment with the Delhi Electric Vehicles Policy, 2020.

Notwithstanding anything contained in this scheme, laws otherwise applicable to Aggregators shall continue to apply, whether they be governed as intermediaries under the Information Technology Act, 2000, as companies under the Companies Act, 2013, or as entities covered under the Consumer Protection Act, 2019, or any other legislative framework.

4. Application of License

All aggregators operating more than 50 vehicles, would be required to take a license for operating in the NCT of Delhi, henceforth.

The applicant, seeking issuance of License to operate as an Aggregator, shall either be a company registered under the Companies Act 1956 or 2013 or a co-operative society registered under the Co-operative Societies Act, 1912 formed by an association of drivers or motor vehicle owners or such other association or a limited liability partnership under the Limited Liability Partnership Act, 2008. The applicant shall have a registered office in India.

The applicant shall comply with all the applicable provisions prescribed under the Act and the Information Technology Act, 2000, including intermediary guidelines, and all other laws of India, as applicable and rules as notified by the GNCT of Delhi

Any applicant, seeking issuance of a license to operate as an Aggregator, will have to register themselves at the portal as notified by the Transport Department, GNCTD and will duly fill the form provided **Annexure-A** along with the required documents prescribed in the form.

5. Registration of driver partners and vehicular fleet

The Aggregator(s) shall ensure registration of all onboarded driver-partners and their vehicles currently in use (at: the portal as notified by the Transport Department, GNCTD), within 3 months from the date of the notification of this scheme.

The Driver's License of the driver-partner shall be mandatory, and the registration certificate shall be mandatory for the vehicle(s)*. In the case of a passenger service vehicle, the PSV badge number would also be required.

***Note:** A driver and their respective vehicle can be registered/integrated by multiple aggregators.

6. Grant or Renewal of License and matters connected herewith:

A License granted shall be valid for a period of 1 year from the date of its issuance, subsequent to which it shall be renewed by the Transport Department on an application for renewal made by the Aggregator.

For the purposes of such renewal, the Transport Dept. shall examine the Aggregator's records in compliance with **Annexure A** and the documents prescribed thereof.

The license fee applicable for the aggregator shall be subject to the number of drivers (and their vehicles) associated with the aggregator along with the vehicle-segment and fuel-base of the vehicles deployed by the aggregator. The details of the fee to be levied on the aggregator are elaborated in **Annexure B**.

7. Obligations of the Aggregator

Aggregator shall establish an Operating centre / Command & Control Centre (CCC) /Information Centre/ in NCT of Delhi, which shall remain functional during the hours of operations (24x7 operations of CCC is mandatory for Aggregators providing Passenger Services).

The Operating centre/CCC shall be in a position to monitor the movements of all the drivers and their vehicles on-boarded by the Aggregator at any given time. The following aspects shall be adhered to by the Aggregator providing passenger transport service:

The Operating Centre/CCC should be able to access all data with regards to Origin-Destination of any trip offered through the app, Route of the trip and status of the panic button.

The Operating Centre/CCC should be able to access and provide all data through a portal access of the Aggregator to the Transport Department, GNCTD, with regards to all the grievances/complaints lodged by the rider(s)/consumer(s) and the action taken to remedy the same.

Further, the Operating Centre/CCC should be able to access all data with regards number of vehicles in operation, number of other state vehicles providing services in the NCT of Delhi, trips taken from NCT of Delhi, and further analytics of the data and should provide the same to the Transport Department, GNCTD as when as required, in a prescribed format.

The Aggregator shall take appropriate action against the driver partners having 15% or more grievances for the rides undertaken by him/her in a period of one (1) month. The data so referred shall be stored/collected by the Aggregator for at least 3 months from the date of service provided.

For drivers having a rating less than 3.5 over a period of one year, the Aggregator should undertake remedial trainings and corrective measures to rectify the issues. Further the driver partner will be afforded an observation period of 3 months, during which his/her performance will be closely monitored by the Aggregator and the Transport department, GNCTD. Post which, if the performance of the driver partner does not improve, the Transport Department, GNCTD can terminate the PSV Badge of the driver.

The Aggregator should integrate the guidelines issued by the Ministry of Health, Government of India and Dept. of Health, Govt. of Delhi in the interest of public health and safety.

All the above records should be available for inspection by the Transport Department/authorised authorities of GNCTD.

8. Fleet Composition and Conversion

Post the grant of aggregator license to respective applicants, the Aggregators shall ensure the following % of all new onboarded fleets to be electric vehicles.

For 2-Wheelers (Commercial) and 3-Wheelers (Passenger and Commercial)

Timeline	The target for adoption of EVs in new fleet
Within the first 6 months from the day of grant of license	10%
Within One year from the day of grant of license	25%
Within Two years from the day of grant of license	50%

For 4-Wheelers (Passenger and Commercial)

Timeline	The target for adoption of EVs in new fleet
Within the first 6 months from the day of grant of license	5%
Within One year from the day of grant of license	15%

Within Two years from the day of grant of license	25%
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Note: The fleet conversion targets as specified under sections 8.1.1 and 8.1.2 are applicable on all new on-boarded vehicles by the Aggregator. For example, for every 100 new 2-Wheelers and 3-Wheelers (Passenger and Commercial) onboarded after grant of the Aggregator License, there should be at least 10 new EVs onboarded by the Aggregator, within the first 6 months from the day of grant of license.

In instance where the aggregator is operating/running a two-wheeler bike-hailing or a two-wheeler bike-sharing service, any vehicle being on-boarded as part of the fleet by the aggregator from the date of commencement of this scheme will be Electric Vehicles only, and the aggregator will mandatorily convert 100% of its existing bike fleet to electric by the end of the second year of the notification of this scheme.

It should also be noted that if the Aggregators do not comply with any of the above-mentioned timelines for fleet conversion and vehicle onboarding, the Aggregator shall be liable for penalties or suspension of license, or both, as may be deemed fit by the Competent Authority.

9. Compliances with regard to Driver(s) and the vehicles

The Aggregator shall ensure that the Driver shall have the following valid documents at the time of on-boarding:

- A valid driving licence to drive the relevant vehicle (as applicable),
- A valid registration certificate of the relevant vehicle and
- A valid public service vehicle badge (as may be applicable).

The Aggregator shall ensure that all vehicles (2-W, 3-W and 4-W) on-boarded at the time of registration shall bear commercial registrations.

The Aggregator shall ensure that all new vehicles (2-W, 3-W and 4-W) that will be on-boarded are not older than 5 years from the date of registration of the vehicle and further all the vehicles in the fleet shall not be older than 8 years from the date of registration of the vehicle.

The following compliances with regard to a vehicle shall be ensured by an Aggregator as a prerequisite for the purpose of integration/on-boarding:

- Valid registration of the vehicle.
- Valid permit, as may be applicable.
- Valid fitness certificate as obtained under the Act.
- Valid third-party insurance.
- Valid Pollution Under Control (PUC) certificate.

For Aggregators providing on-demand mobility services to passengers, the following additional compliances shall be ensured by the aggregator:

Fitment of an 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.

Especially for services provided through passenger four-wheelers, placement of a fire extinguisher, disabled child lock mechanism, and enabled manual override for the central locking system are mandatory.

Applicable vehicle permits, Driver's identity card (if any) along with the certificate issued by the Dept. of Transport shall be displayed on the vehicle, except on 2-wheelers. Such display shall be placed in such a manner to ensure it is clearly visible to the passengers in the concerned vehicle.

Aggregator will ensure that the on-boarded vehicle must have clearly visible logo/branding of the concerned Aggregator.

10. Compliances with regard to the App and Website of Aggregator

The App must be developed in a manner that is compliant with the Laws of India and according to the rules notified by the GNCTD.

Aggregator(s) providing passenger transport service shall establish call centres with valid telephone numbers and operational email addresses displayed clearly on the App with 24x7 operations wherein assistance shall be provided to the End-user, and the Driver in English and Hindi languages.

Aggregator shall extend utmost cooperation with investigating authorities in relation to any untoward accident or incident jeopardizing a Rider's safety, which may have arisen due to some act or omission of the Driver on an assigned trip.

11. Regulation of Fares for Aggregators providing passenger transport services & on-demand mobility services.

The aggregators providing on-demand passenger mobility service shall be required to comply with the order(s) of the Dept. of Transport, GNCTD as may be notified from time to time.

The aggregators may be allowed to charge a fare with maximum surge pricing not exceeding twice the base fare as specified by the Transport Department, GNCTD from time to time.

12. Powers of the Competent Authority/Transport Dept.

The Transport Department, GNCTD shall be empowered to call for such information and documents from the Aggregator in any incident where the end-user has reported a complaint against the driver, or services provided by an Aggregator, pursuant to prior written notice.

The Transport Department, GNCTD, shall provide access to a web-based portal to enable the Aggregator to update the details of vehicles, and Drivers integrated with them.

Notwithstanding anything contained in this part, the Transport Department, GNCTD, shall in consultation with relevant regulatory authorities, lay down additional conditions for Aggregators from time to time.

13. Compliances to Ensure Safety:

Aggregators providing on-demand service for passenger transportation shall ensure appropriate functioning of the GPS installed in the vehicle and provide efficient resolution for any issues that may develop in its functioning;

Aggregator shall ensure that the Driver plies the vehicle on the route assigned on the App and in non-compliance of the same, shall notify the Driver and the Rider on their respective mobile applications.

Aggregator shall put in place a mechanism on the App to ensure that the identity of the Driver undertaking a trip is the same as the one enlisted with the Aggregator through verification or confirmation from the Rider before the commencement of each trip.

14. Penalties

The Aggregator shall be liable to penalties, where in the Competent Authority opines that the Aggregator has violated the following provisions of this scheme:

The Aggregator will pay a monetary fine of INR. 25,000/- per vehicle, in instances where the aggregator has failed to apply for the license and declare the on-boarded vehicles and drivers currently operating in NCT of Delhi, within 3 months from the date of notification of these guidelines.

On lapse of the 100th day of the notification of the policy, the aggregator shall be liable to pay a monetary fine of INR. 500 each day per vehicle, for not applying for the license and declaring all information relating to the on-boarded vehicles and drivers.

In cases where the Aggregator fails to comply with the fleet conversion targets as per section 8 of the scheme, the aggregator is liable to pay a monetary fine of INR. 1,000 each day per vehicle that it continues to comply with the targets.

15. Suspension and Cancellation of Aggregator License:

If at any stage it is found or has reason to believe that any Aggregator is violating the terms and conditions as prescribed in this scheme or any other order(s) of the Transport Department, GNCTD, or indulging in any unlawful activities, the Competent Authority (Transport Department, GNCTD) may at

its discretion, suspend/cancel the License of the said Aggregator, after hearing the Aggregator or after making such inquiry as it deems just and proper.

Where a License is suspended or cancelled, the Aggregator shall immediately stop all operations under the License till the time such suspension is revoked.

Upon cancellation of the License, the security deposit paid by the Aggregator in the form of bank guarantee shall be forfeited in full.

The Aggregator may, at any time, voluntarily surrender the License for cancellation. On such surrender of the License, the security deposit by way of bank guarantee shall be returned to the Aggregator, as applicable, after deduction of outstanding dues, if any.

16. Appeal:

Any Aggregator aggrieved by any suspension/cancellation order passed by the Competent Authority under this scheme may, within 30 days of receipt of the order, appeal to such Appellate Authority, as notified by the Transport Department, GNCTD.

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Annexure A - Form for Registration of Aggregator

To,
The (Designation),
Competent Authority,
City/State

I, the undersigned hereby apply for a grant of a License for operation as an Aggregator under the Motor Vehicle Scheme, 2021

S.no		Self-Attested Copy (Y/N)
1	Name in full	
2	Address of the main office	
3	Number of branches and addresses (in Delhi), if any	
4	A. If a registered company, enclose a copy of the certificate of incorporation/registration along with a copy of the memorandum of association. B. If a firm, enclose a copy of the certificate of registration of the firm	
5	Name and contact details of key managerial personnel or Authorised Signatory	
6	Telephone number, website address and Email-ID	
7	Details of Command and Control Centre/facility	
8	Details of Security Deposit by way of Bank Guarantee in favor of the Competent Authority.	

I hereby declare that the information given above, and other documents enclosed herewith are true to the best of my knowledge. I understand if any information is found to be incorrect at any point in time, the License granted to me is liable to be cancelled besides initiating other legal actions/actions against me. I have gone through the provisions of the Motor Vehicle Aggregators Scheme, 2021, I accept and agree by the same and the reference statutes and scheme mentioned herein.

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

Annexure B


The License Fee is applicable based on the fuel-composition of the fleet on-boarded by the Aggregator at the time of registration for license. For instance, the fee for an electric two-wheeler is INR. 0, while for a Petrol two-wheeler is INR. 250 per vehicle.

Vehicle-Segment	Electric	CNG	Petrol
Two-Wheeler	0	200	250
Three-Wheeler (Passenger)	0	600	800
Three-Wheeler (Light Commercial)	0	500	1000
Four-Wheeler (Passenger, M1)	0	500	650
Four-Wheeler (Carrier, N1)	0	750	1000

Note – for vehicles which have been onboarded/ will be onboarded by the Aggregator which have a vehicle age of less than 2 years, the License Fee applicable will be 50% of the above said rates for compliance of the section 6.3 of this scheme.

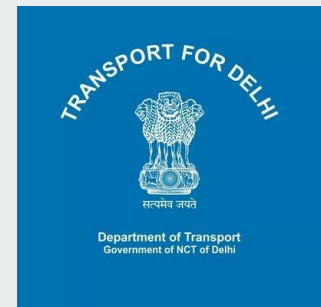
Security Deposit for Aggregator:

Particulars	Amount in Rupees
Upto 1,000 motor vehicles	1,00,000
1,001 - 5000 motor vehicles	2,50,000
5001 - 10,000 motor vehicles	5,00,000
More than 10,001 motor vehicles	10,00,000



Discussion – Draft Aggregator Scheme

January 24, 2021



Themes

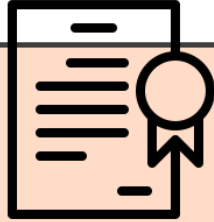
- 1) Scope and Applicability
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 - I. Driver
 - II. Vehicle and
 - III. App/website License Fee
- 5) Fare regulation and License Fee
- 6) Penalties, Suspension and Cancellation

Scope and Applicability



Scope

1. For Aggregators and the vehicles onboarded
2. Should have vehicle fleet of **at least 50 motor vehicles.**
3. For **2-W, 3-W, and 4-W vehicle fleets**; shall not apply to buses
4. For aggregators **plying vehicles in the NCT of Delhi**



Application and Grant of License

1. **Application - at the portal notified by the Transport Dept.**
2. Validity of license - **1 year.**
3. **License fee will be based on the vehicle segment and fuel type.**



Registration of Driver partners

1. Registration of existing partners - within first 3 months of the notification of the scheme
2. For new additions - regular registrations.
3. **Registration of partners - at the portal notified by the Transport Dept.**

Obligations of the Aggregator



Establish an Operating center/Command & Control Centre (CCC) in NCT of Delhi, functional during the hours of operations

The Operating center/CCC shall monitor the movements of all the drivers and their vehicles on-boarded by the Aggregator

The Aggregator shall take appropriate action against the driver partners having 15% or more grievances for the rides undertaken by him/her in a period of one (1) month.

Driver partners with rating < 3.5 over 1 year - remedial trainings and corrective measures to be undertaken by the Aggregator.

Post which his/her performance will be closely monitored by the Transport Dept. for 3 months.

Fleet Electrification



Fleet Composition and Conversion

For 2 wheelers (Commercial) and 3 wheelers (Passenger and Commercial)	
Timeline	The target for adoption of EVs in new fleet
Within the first 3 months from the day of grant of license	10%
Within 6 months from the day of grant of license	20%
Within One year from the day of grant of license	50%

For E.g. –

For every 100 new 3-wheelers onboarded by the Aggregator after the notification of the scheme, 10 vehicles will have to EVs within the first 6 months from the grant of license to the Aggregator.

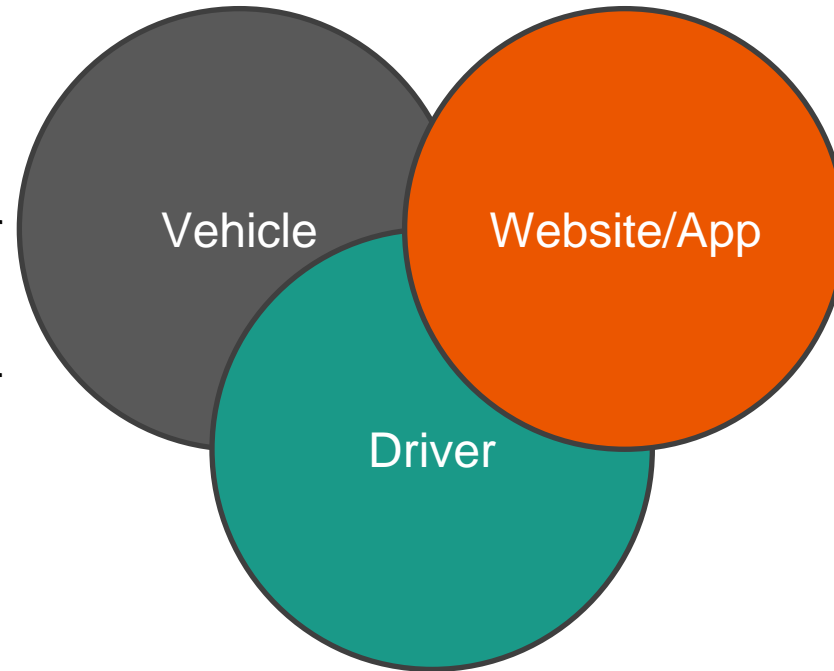
For 4-Wheelers (Passenger and Commercial)	
Timeline	The target for adoption of EVs in new fleet
Within the first 3 months from the day of grant of license	5%
Within 6 months from the day of grant of license	15%
Within One year from the day of grant of license	25%

Compliances Fees Penalties



Compliances - Drivers, their Vehicles and the App

1. All vehicles on-boarded shall bear **commercial registrations**.
2. All new vehicles on-boarded **should be not older than 5 years** from the date of registration
3. **All the vehicles in the fleet shall not be older than 8 years** from the date of registration
4. on-boarded vehicles must have clearly **visible logo/branding** of the concerned Aggregator,



For Aggregator(s) providing passenger transport service

1. shall establish **call centers with 24x7 operations** and shall display relevant contact details on the App.
2. Shall ensure that the Driver **plies the vehicle on the route assigned** and in non-compliance, shall notify the Driver and the Rider.

The driver partner should be in possession of all the relevant documents – Licence, RC, Permit, PUC, PSV Badge etc.

License fee

License Fee* is applicable based on the fuel-composition of the fleet onboarded by the Aggregator at the time of registration for license.

Vehicle-Segment	Electric	CNG	Petrol
Two-Wheeler	0	200	250
Three-Wheeler (Passenger)	0	600	800
Three-Wheeler (Light Commercial)	0	500	1000
Four-Wheeler (Passenger, M1)	0	500	650
Four-Wheeler (Carrier, N1)	0	750	1000

*In INR/Vehicle onboarded

Penalties & Suspension/ Cancellation

The Aggregator will be levied with **monetary penalties** if -

- ₹₹₹ The aggregator has failed to apply for a license and declare the on-boarded vehicles and drivers
- ₹₹₹ Fails to declare all the relevant information relating to the onboarded driver/vehicle
- ₹₹₹ Fails to comply with the fleet conversion targets

The license issued is liable to be **suspended/cancelled** if -

- ⊘ If the aggregator is in violation of any of the terms of this scheme or any other order(s) of the Transport Department, GNCTD.
- ⊘ If the license is suspended, the aggregator shall immediately stop all their operations till the time suspension is revoked.

Thankyou.

