

MOTOR VEHICLES (ALL INDIA PERMIT FOR TOURIST TRANSPORT OPERATORS) RULES, 1993

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MOTOR VEHICLES (ALL INDIA PERMIT FOR TOURIST TRANSPORT OPERATORS) RULES, 1993

G.S.R. 541 (E).-In exercise of the power conferred by sub-section (14) read with sub-section (9) of section 88 of the Motor Vehicles Act 1988 (59 of 1988) the Central Government hereby makes the following rules, namely:-

1. Short title, extent, commencement and exemption :-

- (1) These rules may be called the Motor Vehicles (All India Permit for Tourist Transport Operators) Rules. 1993¹ .
- (2) They shall extend to the whole of India.
- (3) They shall come into force with effect from the date of publication.
- (4) The conditions prescribed in Rules 82 to 85A of the Central Motor Vehicles Rules, 1989 shall not apply to the permits granted under this scheme.

1. Published in the Gazette of India, (Extrarodinary), Part II, Section 3(i), No-260, dt. 10-8-1993.

2. Definitions :-

In these Rules, unless the context otherwise requires.-

- (a) "Act" means the Motor Vehicles Act, 1988 (59 of 1988);
- (b) "Authorisation Certificate" means a certificate issued by an appropriate authority to a recognised Tourist Transport Operator authorising him to operate throughout the territory of India or in such continuous State, not being less than three in number including the State in which the permit is issued, on recognised tourist circuits, as are specified in the All India Permit for a tourist vehicle granted to him;
- (c) "Appropriate Authority" means the authority which is authorised under the Act to grant a permit

in respect of a tourist vehicle;

(d) "Rule" means the rule of the Central Motor Vehicles Rules, 1989;

(e) "Section" means section of the Act:

(f) "Schedule" means a Schedule appended to these Rules;

1[(g) "Tourist Transport Operator" means -

(a) A company or an individual engaged in a business of promotion of tourism by providing tourist transport vehicles on tourist circuits ; or

(b) any travel agency (who possess his own vehicle or have taken a vehicle on lease for this purpose for a period of atleast one year) run by a company or an individual provides all tickets for travel by air, rail, ship passport, visa and also arrange accommodation, tours, entertainment and other-tourism related services; or

(c) the tour operator (Company or individual who provides for transport, accommodation, sight-seeing, entertainment and other tourist related, services for tourist, and who possesses his own vehicle or has taken a vehicle on lease for this purpose for a period of atleast one year and is recognised by the Department of Tourist of the Government of India;]

2 [(h) "Tourist Circuit" means all places of tourist interest situated in a State for which package tours are prepared and sold by the recognised tourist transport operator.

Explanation.- For the purpose of removal of doubts, it is clarified that the permit

1. Subs. by G.S.R. 286(E), dated 22nd March, 1995 (w.e.f. 22-3-1995).

2. Ins. by G.S.R. 286,(E), dated 22nd March, 1995 (w.e.f. 22-3-1995).

3. 3 :-

Authorisation Certificate shall be issued only to a Tourist Transport Operator recognised by the Department of Tourism of the Central Government.

4. Form, Contents and Duration etc. of the Authorisation Certificate :-

(1) Every application for the issue of an Authorisation Certificate shall be made to the concerned State Transport Authority, in the Form as set forth in the First Schedule.

(2) Every Authorisation Certificate shall be in the Form as set forth in the Second Schedule.

(3) The period of validity of an Authorisation Certificate shall not exceed one year at a time.

(4) the Authorisation Certificate may be renewed on an application made not less than fifteen days before the date of its expiry.

5. Procedure of applying for issue of Authorisation Certificate :-

(1) An appli- cation for an Authorisation Certificate may be made on any working day to the State Transport Authority concerned.

(2) A State Transport Authority shall not ordinarily refuse to issue an Authorisation Certificate applied for under these rules.

(3) Transport Authority may reject the application made under sub-rule (1) for good and sufficient reasons to be recorded in writing, or where the Authority is of the opinion that this would have the effect of increasing the number of Authorisation Certificates limited in terms of section 74(3): Provided, that the Authorisation Certificate applied for shall be issued or refused within a period of thirty days from the date of receipt of application by the State Transport Authority.

6. Transfer of Permit :-

(1) Save as otherwise provided in sub-rule(2), an Authori- sation Certificate shall not be transferable from one person to another except with the permission of the State Transport Authority which issued the Authorisation Certificate and shall not without such permission, confer on any person to whom a vehicle covered by the Authorisation Certificate is transferred, any right to use that vehicle in the manner authorised by the Authorisation Certificate.

(2) Where the holder of an Authorisation Certificate dies, the person succeeding to the possession of the vehicle covered by the Authorisation Certificate may, for a period of three months, use the Authorisation Certificate from the date of death of the holder and on his own intention to use the Authorisation Certificate: Provided further that no Authorisation Certificate shall be so used, except after its renewal, after the date on which it would have ceased to be effective in the hands of the deceased holder.

(3) The State Transport Authority may, on an application made to it within three months of the death of the holder of the Authorisation Certificate, transfer that said certificate to the person succeeding to the possession of the vehicle covered by the Authorisation Certificate: Provided that the State Transport Authority may entertain an application made after the expiry of the said period of three months if it is satisfied that the applicant was prevented from making an application within the specified time.

7. Replacement of vehicle :-

The holder of an Authorisation Certificate may, with the permission of the State Transport Authority by which the Authorisation Certificate was issued, replace any vehicle covered by the Authorisation Certificate by any other vehicle of the same nature.

Explanation- The vehicle of same nature would mean having the same seating capacity for which permit has been granted and composite fee paid and such a replacement vehicle could be of any other make or model.

8. Appeals :-

(1) Any person aggrieved by:-

(a) the refusal of the State Transport Authority to issue an Authorisation Certificate or by condition attached to, an Authorisation Certificate issued by him; or

(b) the order of revocation or suspension of the Authorisation Certificate or by any variation of the conditions thereof; or

(c) the order of refusal to transfer the Authorisation Certificate under rule 6 of these rules or section 12 ; or

(d) the order of refusal to renew an authorisation Certificate : or

(e) any other order which may be made may within a period of thirty days from the date on which the said order is communicated to the applicant, appeal to the State Transport Appellate Tribunal constituted under sub-section (2) of section 89 of the Motor Vehicles Act. 1988, who shall after giving such person and the State Transport Authority an opportunity of being heard, give a decision thereon, which shall be final.

9. Authorisation Fee :-

The fee for the issued of an Authorisation Certificate shall be Rs. 500/- per annum and every application for the issue or renewal of the same shall be accompanied by a bank draft for the said amount in favour of the appropriate authority.

10. Seating Capacity :-

An all India permit for Tourist Transport Operators shall be issued only in respect of vehicles with a seating capacity of not more than ¹ [39] seats, excluding the driver and the conductor. Besides, provision of rule 128 of the Central Motor Vehicles Rules, 1989, except for rule (11) of the said rules, shall also apply to the tourist vehicles.

1. Subs. by G.S.R. 286(E), dated 22nd March, 1995 (w.e.f. 22-3-1995).

11. Age of the Tourist Coaches :-

An All India Permit for Tourist Transport Operators shall be deemed to be invalid from the date on which the vehicle covered by the said permit completes nine years, in the case of a motor cab and eight years in the case of a vehicle other than a motor cab.

Explanation.- For the purpose of this rule. the period of nine or eight years shall be computed from the date of initial registration of the tourist vehicle concerned.

12. Distinguishing Particulars to be Exhibited on Motor Vehicle :-

(1)	(2)	\(3)\)	\(4)\)	(5)	(6)
1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36
37	38	39	40	41	42
43	44	45	46	47	48
49	50	51	52	53	54
55	56	57	58	59	60
61	62	63	64	65	66
67	68	69	70	71	72
73	74	75	76	77	78
79	80	81	82	83	84
85	86	87	88	89	90
91	92	93	94	95	96
97	98	99	100	101	102
103	104	105	106	107	108
109	110	111	112	113	114
115	116	117	118	119	120
121	122	123	124	125	126
127	128	129	130	131	132
133	134	135	136	137	138
139	140	141	142	143	144
145	146	147	148	149	150
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271	272	273	274	275	276
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379	380	381	382	383	384
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439	440	441	442	443	444
445	446	447	448	449	450
451	452	453	454	455	456
457	458	459	460	4	

(1) (2) (3) (4) (5) \ \ \

Place \ \ \ Signature and seal of the Date \ \ \

Appropriate Authority

SCHEDULE 3

THIRD SCHEDULE

\ \ \ \ \ [See Rule 14] \ \ \ \ \ Quarterly Return \1. Name and complete address of the permit \holder \2. Registration mark of the motor vehicle \3. Registration Number of All India Permit for \Tourist Transport Operator as given by De- \partment of Tourism, Government of India. \ \ \ \ Summary of trips made during the quarter

Month Total distance covered Total distance of Remarks \ \ in the State of operation

(a) (b) (c)

\ \ \ \ \ \ \ \ Signature of the \ \ \ \ \ \ \ \ All India Permit holder Date \ \ \ \ \ \ \ \ Mention the names of the States applicable. \Note:-In the remarks column, state reasons for low or high running in any particular State or States and any other factors which caused low or high operations.

SCHEDULE 4

FOURTH SCHEDULE

\ \ \ \ \ [See Rule 15(1)] A. Eligibility condition for Recognition as approved Tourist Transport Operator \1. All applications for recognition shall be addressed to the Director-General of Tourism. Transport Bhavan. No. 1. Parliament Street. New Delhi-110001. \2.(i) The applications for grant of recognition shall be in the prescribed form. \ (ii) The applicant has been in the tourist transport hire business for a minimum \period of 2 years at the time of application. \ (iii) The Tourist Transport Operator has operated in the above 2 years period a \minimum number of 3 tourist permits issued by the concerned State Transport \Authority Road Transport Authority for tourist vehicles. Out of these three \tourist vehicles atleast one must be a car. \ (iv) The applicant has adequate knowledge of handling the tourist transport \vehicles for transferring tourist from the Airport, Railway \Stations, etc. and for \sigt-seeing of tourists both foreign and domestic. \ (v) The drivers of the tourist vehicles have proper uniform and adequate knowledge \of taking the tourist for sight-seeing, \ (vi) The applicant has proper parking space for the vehicles. \ (vii) The Tourist Transport Operator is registered with the appropriate authority for \carrying on the business of operating tourist transport vehicles. \3. (a) The two years period of operating the Tourist Transport business maybe \relaxable to 1 year in the case of those applicants who have operated 5 tourist \vehicles with the proper Stale Transport Authority. Road Transport Authority \permits for 1 Year. These 5 tourist vehicles should be in any combination of \cars Air-conditioned Coaches Mini Coaches provided there are minimum of \atleast 2 cars in the fleet of tourist vehicles. \ (b) For Ex-Defence personnel the condition of being in the business of tourist \transport vehicles for two years and having 3 vehicles is relaxable provided the \candidate is sponsored by the Director General of Resettlement. Ministry of \Defence. New Delhi. In the case of such personnel they can operate the tourist \transport business with 1 tourist vehicle only. However, the Ex-Defence \personnel who apply under this scheme must themselves operate the tourists \transport business and should not be hiremen of other Financiers. \ (c) The condition of these in operation for 2 years period for tourist transport \operator's approval may also be relaxable in the case of those applicants who \have located their business at the cities mentioned below :- \ \ (i) Amritsar (Punjab) \ \ (ii) Bodhgar (Bihar) \ \ (iii) Bhopal (Madhya Pradesh) 4 \ \ (iv) Bhubaneshwer (Orissa) \ \ (v) Chandigarh. \ \ (vi) Goa \ \ (vii) Hyderabad (Andhra Pradesh) \ \ (viii) Hardwar (Utter Pradesh) \ \ (ix) Khajuraho (Madhya Pradesh) \ \ (x) Port Blair (The Andaman and Nicobar Islands) \ \ (xi) Pathankot (Punjab) \ \ (xii) Srinagar(Jammu and Kashmir) \ \ (xiii) Tiruchirapalli (Tamil Nadu) \ \ (xiv) Udaipur (Rajasthan) \ \ (xv) Visakhapatnam (Andhra Pradesh) \4. The Tourist Transport Operator will be required to pay a non-refundable one time fee of Rs. 500/- while applying for the recognition. The fee will be made payable to the Pay and Accounts officer. Department of Tourism in the form of a Bank Draft. \5. The applicant should be income-tax assessee and should submit copy of acknowl- edgement certificate as proof of having filed income-tax return for current assessment year. \6. The decision of the Government of India in the matter of recognition shall be final. The Government of India may in their discretion refuse to recognised any firm or with- draw/withhold at any time recognition already granted without assigning any reason. \7. Recognition once granted shall continue unless revoked and subject to their continuance in this business and their submitting the requisite return of Income-tax and other particulars. \8. Tourist Transport Operator granted recognition shall be entitled to such incentives and concessions as may be granted by Government from time to time and shall abide by the terms and conditions of recognition as prescribed from time to time. \ \ B. ELIGIBILITY CONDITIONS FOR RECOGNITION AS \ \ \ \ APPROVED TRAVEL AGENCY. \1. All applications for recognition shall be addressed to the Director General of Tourism. Transport Bhavan. No. 1, Parliament Street, New Delhi-110001. \2. The following conditions must be fulfilled by the Travel Agency for grant of recognition by department of Tourism:- \ \ (i) The application for grant of recognition shall be in the prescribed form. \ \ (ii) The travel Agency has a minimum paid-up capital of Rs. 2,00 Lakhs duly \supported by the audited balance sheet/Chartered Accountant's certificate. \ \ (iii) The Travel Agency should be approved by International Air Transport \Association (IATA) or General Sales Agent (GSA) of an International Air \Transport Association member Airlines. \ \ (iv) The Travel Agency has an office under the charge of a full time member \of their staff, who is adequately trained/experienced in matters regarding \ticketing, itineraries, transport, accommodation facilities, currency, customs \relations and other travel and tourism related services. \ \ (v) The Travel Agency has been in operation for a period of one year before the date \of application. \ \ (vi) The Travel Agency is an income-tax assessee and has filed Income-tax Return \for the current assessment year. \3. Recognition as Travel Agency once granted shall continue unless withdrawn and subject to their continued membership of International Air Transport Association or con- tinuance as General Sales Agent of an International Air Transport Association member air- lines. as the case may be, and their submitting the requisite annual return of Income-tax and other particulars. \4. The Travel Agency will be required to pay a non-refundable one time fee of Rs. 1000/- while applying for the recognition. The fee will be payable to the Pay and Ac- counts Officer, Department of Tourism, in the form of a Bank Draft. Fee for recognition of each Branch Office will be Rs. 500/-. \5. Recognition will be granted to the Headquarters office of the Travel Agency. Branch Offices will be approved alongwith the contractors office or subsequently, pro- vided the particulars of Branch Officers are submitted to Department of Tourism and accepted by it. \6. The decision of the Department of

Tourism, Government of India, in the matter of recognition shall be final. The Government of India may, in their discretion refuse to recognise any time or withdraw/withhold at any time recognition already granted without assigning any reason. \7. Travel Agency printed recognition shall be entitled to such incentives and concessions as may be granted by the Government of India from time to time and shall abide by the terms and conditions of recognition as prescribed from time to time \ \ \ C. ELIGIBILITY CONDITIONS FOR RECOGNITION AS APPROVED \ \ \ \ \ TOUR OPERATOR \1.. All applications for recognition shall be addressed to the Director General of Tourism. Transport Bhawan. No. 1. Parliament Street. New Delhi -110001. \2. (i) The application for grant of recognition shall be in the prescribed form. \ \ (ii) The Tour Operator should have a minimum paid-up capital of Rs. 1.00 lakh \ \ fully supported by the latest audited balance sheet/Chartered Accountant's \ \ Certificate. \ \ (iii) The turn-over in terms of foreign exchange or Indian rupees by the Firm from \ \ tour operation only should be a minimum of Rs. 5.00 lakh duly supported by \ \ Chartered Accountant's certificate. \ \ (iv) The tour operator has an office under the charge of a full time member of their \ \ staff, who is adequately trained/experienced in matters regarding transport, \ \ accommodation currency, customs regulations and General information about \ \ travel and tourism related services. \ \ (v) The Tour operator should have been in operation for a minimum period of \ \ one year before the date of application. \ \ (vi) The Tour operator will have to be income-tax assessee and should have filed \ \ Income-tax return for the current assessment year. \3. The recognition as approved Tour Operator once granted shall continue unless withdrawn subject to their continuance in this business and their submitting the requisite annual return of Income-tax particulars. \4. The Tour Operator will be required to pay a non-refundable one time fee of Rs. 1,000/- while applying for the recognition. The fee will be made payable to the Pay and Account Officer, Department of Tourism in the form of a Bank Draft. The fee for recognition of each Branch Office will be Rs. 500/-. \5. Recognition will be granted to the Headquarters Office of Tour Operators. Branch Offices will be approved alongwith the Head-Quarters office or subsequently, provided the particulars of the Branch Offices submitted to Department of Tourism and accepted by it. \6. The decision of the Department of Tourism, Government of India in the matter of recognition shall be final. The Government of India may, in their discretion, refuse to recognise or withdraw/withhold at any time recognition already granted without assigning any reason. \7. Tour Operator Granted recognition shall be entitled to such incentives and concessions as may be granted by Government from time to time and shall abide by the terms and conditions of recognition as prescribed from time to time by the Department of Tourism, Government of India.

SCHEDULE 5 FIFTH SCHEDULE

\ \ \ \ [See Rule 15(2)] A. Application form for Recognition as approved Tourist Transport Operator \1. Name of the firm with address, telephone, telex and fax number. \2. Nature of the firm and date of registration commencement of business with documentary proof. \3. Whether the office is located in residential/commercial/Industrial area. \4. Name, experience, qualifications of the proprietor/Managing Director. \5. Total number of staff including Drivers. \6. Name of the Travel Agents/Tour Operators/Hotels/Airlines with whom most business is transacted. \7. Please attach a copy of the audited balance sheet and profit and loss statement duly certified by the Chartered Accountant for the year preceding the date of application along with copy of acknowledgement certificate, in respect of Income-tax Return for current assessment year. \8. Please indicate the loans and mortgages as on the date of application. \9. Number of Vehicles viz Air-conditioned coaches, non-Air conditioned Coaches, Mini Coaches, cars and Boats operated as tourist vehicles with their make, model and Registration. \10. Attested copies of valid permits issued by Road Transport Authority/State Transport Authority for tourist vehicles and Registered Certificate Books of Tourist vehicles should be furnished. \11. Number and date of Bank Demand Draft for Rs. 500/- in favour of Pay and Accounts Officer, Department of Tourism, New Delhi. \ \ \ \ \ \ \ \ \ \ Signature----- \ \ \ \ \ \ \ \ \ \ Designation----- \ \ \ \ \ \ \ \ \ \ Rubber stamp of company----- \ \ \ B. APPLICATION FORM FOR RECOGNITION AS APPROVED \ \ \ \ \ TRAVEL AGENCY \1. Name and address of Head Office and Branch Offices. \2. Nature of the firm and the year when the firm was registered or commenced business with documentary proof. \3. Name of Directors Partners etc. The details of their interests if any in other business may also be indicated. \4. Give particulars of staff employed, their qualifications, experience, salary and length of service with the firm. \5. Name of Bankers (Please attach a reference from your bankers). \6. Name of Auditors. A balance-sheet and Profit and Loss statement pertaining to the travel business, as prescribed under Company Law, must be submitted by each applicant. These audited statements should be in respect of your establishment for the last completed financial year or for the calendar year immediately preceding the date of submission of your application. Also furnish details of your turnover in the following statement:- \Name and particulars of the Travel Agency concerned \ (a) Paid up capital \ (b) Loans \ \ (i) Secured \ \ (ii) Unsecured \ (c) Reserves \ (d) Current liabilities and provision \ (e) Fixed Assets- (excluding Intangible assets) \ (f) Investment \ (g) Current Assets \ (h) Intangible assets. \ \ \ \ \ \ \ \ \ \ Total--- \NOTES : (i) Reserves would include balance of Profit and Loss Account and would \ \ exclude taxation reserve. \ \ (ii) Current liabilities and provisions would include taxation reserve. \ \ (iii) Current assets would include sundry debts, loans and advances, cash \ \ and bank balance. \ \ (iv) Intangible assets would include goodwill, preliminary expenses, tendency \ \ and business rights, deferred Revenue expenditure accumulated loss, \ \ etc. \7. Copy of acknowledgement certificate in respect of Income-tax Return for the current assessment year should be enclosed. \8. Whether any other activities are undertaken by the firm besides travel related activities. \9. Please indicate the air/shipping/railway ticketing agencies held by the firm. \10. Please indicate membership of International Travel Organisations, if any. \11. Letter of approval of International Air Transport Association and certificate of endorsement for current year should be enclosed. General Sales Agents of any International Air Transport Association Airlines should enclose documentary proof in this regard. \12. Please enclose a Demand Draft of Rs. 1000/- for Head office and Rs. 500/- for each Branch Office as fee for recognition, and mention the Demand Draft holder, date and amount in this column. \ \ \ Signature of the Proprietor/Partner/Managing Director-----. \ \ \ \ \ \ \ \ \ \ Rubber Stamp-----: \ \ \ C. APPLICATION FORM FOR RECOGNITION AS APPROVED \ \ \ \ \ TOUR OPERATOR \1. Name and address of Head Office and Branch Offices. \2. Nature of the firm and the year when the firm was registered or commenced business, with documentary proof. \3. Name of Directors Partners, etc. The details of their interests, if any, in other business may also be indicated. \4. Give particulars of staff employed, their qualifications, experience, salary and length of service with the firm. \5. Name of Bankers (Please attach a reference from your bankers). \6. Name of Auditors. A balance-sheet and Profit and Loss statement pertaining to tour operation business, as prescribed under Company Law, must be submitted by each applicant. These audited statements should be in respect of your establishment for the last completed financial year or for the calendar year immediately preceding the date of submission of your application. Also furnish details of your turnover in the following statement:- \Name and particulars of the operator concerned: \ (a) Paid up capital \ (b) Loans \ \ (i) Secured \ \ (ii) Unsecured \ (c)

Reserves \ (d) Current liabilities and provision \ (e) Fixed assets (excluding intangible assets) \ (f) Investment \ (g) Current Assets \ (h) Intangible assets \ \ \ \ Total: \ NOTES : \ \ (i) Reserves would include balance of Profit and Loss Account and would exclude \ \ taxation reserve- \ \ (ii) Current liabilities and provisions would include taxation reserve. \ \ (iii) Current assets would include sundry debts, loans and advances, cash and bank \ \ balance. \ \ (iv) Intangible assets would include goodwill, preliminary expenses, balance and \ \ business rights, deferred revenue expenditure, accumulated loss. etc. \ 7. Copy of acknowledgment certificate in respect of income-tax returns for the current assessment year should be enclosed- \ 8. Whether any other activities are undertaken by the firm besides Tour Operation. \ 9. Member of International Travel Operations \ 10. (a) Give details of volume of tourist traffic handled upto the date of application showing foreign and internal tourist traffic separately. Please submit a certificate from Chartered Accountant. This certificate should show the receipts from tour operation only during the financial year or the calendar year immediately preceding the date of submission of your application. \ (b) Clientele : Special tourist groups handled if any, their size, frequency etc. \ (c) Steps taken to promote domestic tourist traffic and details groups handled if any. \ (d) Special programmes, if any, arranged for foreign tourists. \ 11. Number of Conferences handled, if any, and the total number of passengers for such Conferences with details of location, etc. \ 12. Number of incentive tours handled. \ 13. Please enclose a Demand Draft of Rs. 1.000/- for Head Office and Rs. 500/- for each Branch office as fee for recognition and mention the Demand Draft Number date and amount in this column. \ \ \ \ \ Signature of Proprietor/Partner/Managing Director \ \ \ \ \ Rubber Stamp of the firm:

SCHEDULE 6
SIXTH SCHEDULE

\ \ \ \ \ [(See Rule 15(3)) \ \ \ \ \ Certificate of Recognition Number Date Certified that (Name and address of the Applicant) is recognised by the Department of Tourism, Government of India. New Delhi as an approved _____
Place _____ Director General (Tourism).