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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF TOURISM

Block-A, 3rd Floor, N.S. Building, 1, K.S. Roy Road, Kolkata-700001

No. 621-TM/1T-09/2021

Date: 23.09.2021

NOTIFICATION

**GUIDELINES FOR THE RECOGNITION OF TOURISM SERVICE PROVIDERS
OF WEST BENGAL 2021**

1. Short title and commencement

The Guidelines may be called **Recognition of Tourism Service Providers of West Bengal 2021**. The Guidelines shall come into force from the date of its publication in Gazette and in supersession of all previous guidelines issued on this subject.

The Guidelines shall extend to the whole of the State of West Bengal and would be applicable for all the Tourism Service Providers.

The tourism service providers play a significant role in promoting the destinations and products of the State and providing an enriching experience. The Guidelines is being framed with the objective to recognize and provide support to the eligible Tour Operators, Travel Agents and Tourist Transport Operators promoting West Bengal. The aim would be to provide skill development and marketing support to the eligible stakeholders so as to ensure appropriate service standards across the State.

2. BACKGROUND

The Government of West Bengal, Department of Tourism had been giving recognition to tourism stake holders in the past for which Rules for Voluntary Recognition of Tour and Travel Operators was published in April 2006. With the emerging changing trends in the Tourism Sector, it was felt appropriate to provide proper classification of the various Tourism Stakeholders under various categories such as Inbound Tour Operators, Domestic Tour Operators, MICE Tour Operators, Cruise Tour Operators, Adventure Tour Operators, Travel Agents and Tourist Transport Operators and provide Recognition accordingly.

Further, the Corona virus (COVID-19) pandemic has triggered an unprecedented crisis in the tourism sector. All these factors have necessitated that a comprehensive Guidelines for giving Recognition to Tourism Service Providers are introduced appropriately.

Definition

(i) Tour Operators

A Tour Operator is one who plans, promotes and operates tours and makes arrangements for transport, accommodation, sightseeing, entertainment and other tourism related services and activities for tourists visiting destinations within the state of West Bengal. Tour Operators would include:

- a. **Inbound Tour Operator:** Tour Operators Specialized/having expertise in handling/operating foreign Tourists and promoting West Bengal as a primary destination in foreign source markets.
- b. **Domestic Tour Operator. (Inter & Intra State):** Tour Operators Specialized/having expertise in handling/operating domestic Tourists and promoting West Bengal as a primary destination in local and national source markets.
- c. **MICE Tour Operator:** Tour Operators making arrangements for Meetings, Incentives, Conferences and Exhibitions (MICE) held within West Bengal.
- d. **Cruise Tour Operator:** Tour Operators Specialized/having expertise in handling/operating river cruises with accommodation facilities within the state of West Bengal and exclusively promotes Cruise Tourism in domestic & foreign source markets.
- e. **Adventure Tour Operator:** Tour Operators engaged in activities related to Adventure Tourism in West Bengal such as mountaineering, rock climbing, trekking, safaris, bicycling, motorcycling, motoring tours and making required arrangements for the same.

(ii) Travel Agents – A Travel Agent is one who provides travel services and makes arrangements of travel related services such as tickets for travel by air, rail, ship, passport, visa, etc. for the tourists visiting West Bengal, including through the online mode. They may also arrange accommodation, tours, entertainment & other tourism related services directly or through tour operators.

(iii) Tourist Transport Operator-TTO

Tourist Transport Operator is one, who provides tourist transport like cars, coaches, boats etc. to tourists for transfers, sightseeing and journeys to tourist places, etc. within West Bengal, including through the online mode.

(iv) "Competent Authority" to grant Recognition of Tour Operators / Travel Agents & Tourist Transport Operators means the Director of Tourism, Government of West Bengal.

3. APPLICABILITY

This Guidelines is applicable to tourism service providers engaged in the profession/ business/activities of providing services to the tourists, within the State of West Bengal and include the following:-

Tour Operators (Inbound, Domestic, MICE, Cruise & Adventure)

Travel Agents & Tourist Transport Operators

4. CATEGORIES

Recognition may be given to Tourism Service Providers (in the segments of Tour Operators/ Travel Agents/ Tourist Transport Operators) under the following categories:

- (i) **Green Shoots / Start Ups (GSSP):** A new organization registered with RoC (OMC / LLP / Private Limited / Public Limited) which has just ventured into the tourism sector and has no previous experience in the field of tourism.
- (ii) **Experienced Tourism Service Providers (ETSP):** Those with minimum 03 years experience in the tourism sector.

5. ELIGIBILITY

Any organization/agency having its registered head office in West Bengal as (Proprietorship /Partnership firm /HUF /Trust /OMC / LLP / Private Limited /Public Limited) as the case may be, may apply under the relevant category(ies) as mentioned under para 4 above subject to fulfilling the following conditions (relaxed norms have been prescribed for Special Areas as mentioned below provided that the respective Tourism Service Provider have their registered head office of West Bengal in the Special Areas mentioned):-

Sl. No	Criteria for Grant of Recognition	Green Shoots/Start Ups (GSSP)	Experienced Tourism Service Providers (ETSP) Tour Operators/ Travel Agents	Experienced Tourist Transport Operators
(i)	Minimum Requirement of Paid Up Capital (Exempted for agency owned/ operated by a Trust)	Rs. 50,000/- for Special Areas: North Bengal districts, districts of Purulia, Bankura, Paschim Medinipur, Jhargram & Blocks under Sunderban Areas in North & South 24 Parganas Rs.1,00,000/-for rest of West Bengal	Rs. 50,000/- for Special Areas: North Bengal districts, districts of Purulia, Bankura, Paschim Medinipur, Jhargram & Blocks under Sunderban Areas in North & South 24 Parganas Rs. 3,00,000/- for rest of West Bengal	Rs. 50,000/- for Special Areas: North Bengal districts, districts of Purulia, Bankura, Paschim Medinipur, Jhargram & Blocks under Sunderban Areas in North & South 24 Parganas Rs. 3,00,000/- for rest of West Bengal
(ii)	Minimum Requirement of Annual turnover	Nil	Rs. 5 lakhs for Special Areas: North Bengal districts, districts of Purulia, Bankura, Paschim Medinipur, Jhargram & Blocks under Sunderban Areas in North & South 24 Parganas Rs.20 Lakh for rest of West Bengal	Rs. 5 lakhs for Special Areas: North Bengal districts, districts of Purulia, Bankura, Paschim Medinipur, Jhargram & Blocks under Sunderban Areas in North & South 24 Parganas Rs.20 Lakh for rest of West Bengal
(iii)	Minimum Bookings of Hotel Rooms/ Home stays in preceding financial year	Nil	35%-40% of the Annual Turn Over	NA
(iv)	Minimum Period of Operational experience prior to submission of application	Nil	Three years	Three years

Sl. No	Criteria for Grant of Recognition	Green Shoots/Start Ups (GSSP)	Experienced Tourism Service Providers (ETSP) Tour Operators/ Travel Agents	Experienced Tourist Transport Operators
(v)	Qualification Requirements of Promoter/ Partners/ Directors/Staff of organisation	Minimum of two(2) full time staff members. (10+2 or equivalent) Of the two, one Staff member to be qualified with Degree/ Diploma in Tourism/Travel Management from An approved University or any Govt. recognized Institute.	<p><u>For agencies with annual turnover up to Rs.10.00 Crore</u></p> <p>Minimum of two(2) Staff members. (10+2 or equivalent) Of the two, one staff member to be qualified with Degree/ Diploma in Tourism/Travel Management from an Approved University or any Govt. recognized Institute.</p> <p><u>For agencies having annual turnover more than Rs. 10.00 Crore</u></p> <p>Minimum of four (4) staff members. (10+2 or equivalent) of the four, two staff members to be qualified with Degree/ Diploma in Tourism/ Travel Management from any Govt. recognized Institute.</p>	Nil
(vi)	Office Space	No requirement subject to Compliance of instructions/ rules/ regulations of local Government /authority	<p><u>For agencies with annual turnover up to Rs. 10.00 Crore</u></p> <p>No requirement subject to compliance of instructions/rules/ regulations of local Government/ authority</p> <p><u>For agencies with annual turnover of more than Rs. 10.00 Crore</u></p> <p>150 sq. ft</p>	<p><u>For agencies with annual turnover up to Rs. 10.00 Crore</u></p> <p>No requirement subject to compliance of instructions/rules/ regulations of local Government/authority</p> <p><u>For agencies with annual turnover of more than Rs.10.00 Crore</u></p> <p>150 sq. ft</p>

6. ADDITIONAL REQUIREMENTS

A. For Tour Operators

- i. A Tour Operator can get recognized as Inbound Tour Operator by ensuring a turn-over of ₹ 15,00,000.00 (Rupees Fifteen Lakh Only) in terms of foreign exchange earnings by the firm from inbound tour operations only (to be certified by bank FIRC) during the preceding financial year or calendar year (Supported by copy of the Invoice / documents generated to a foreign tour Operator / Client for Tours along with related services covering West Bengal). In bound Tour Operators will get preference for International Marketing Support.
- ii. Tour Operators recognized by Ministry of Tourism -Government of India can directly apply with the following documents:
 - a. Copy of the recognition certificate issued by MOT with minimum 06 months validity.
 - b. Documents supporting that the company is having its registered /head office in state of West Bengal.
 - c. Documents supporting that the company have done Bookings of at least ₹ 15,00,000 (Rupees Fifteen lakh Only) in the preceding financial year Of Hotel Rooms/Home stays in West Bengal.

B. For Tourist Transport Operators (TTO)

- (i) The applicant should have a minimum number of six tourist vehicles- cars/buses OR two boats, etc. as the case may be with proper tourist permits issued by the concerned State Transport Authority (STA) / Regional Transport Authority (RTA) or any other relevant authority for commercial tourist vehicles/ boats, etc. The tourist vehicles/ boats, etc. and the related documents should be in the name of the company except where the owner is a Proprietor. A list of vehicles in the prescribed proforma as at *Annexure III* should be attached with the application.
- (ii) The applicant should have adequate knowledge of handling tourist transport vehicles/ boats ,etc. as the case may be for transferring tourists from the Airport, Railway Stations, Bus / Boat Stations, etc., and for sight-seeing of tourists, both foreign and domestic. The drivers should have working knowledge of English, Bengali and Hindi/local languages.
- (iii) The drivers of the tourist vehicles / boats, etc. as the case may be, should wear proper uniform and must possess adequate knowledge of taking the tourists for sightseeing.
- (iv) The applicant should have proper parking space for the vehicles / boats, etc. as the case may be.
- (v) The applicant should be registered with the appropriate authority for carrying on the business of operating tourist transport vehicles.
- (vi) The applicant should be an income tax assesee and should submit copy of acknowledgement certificate as a proof of having filed income tax return for current assessment year.

7. PROCEDURE TO APPLY

- (i) Applications for fresh approval are to be submitted online on the portal. In this regard any query may be addressed to the Director.
Applications for renewal / extension shall also be submitted online on the portal.
In this regard any query may be addressed to the Director.
- (ii) The authorized person of the agency is required to get himself registered on the portal and in the process create User ID and password, which would be unique to him. All communication would be done on the registered email address and the mobile number of the agency. He will have to submit (upload) the following documents:-
 - a. A copy of registration of the organisation with Local Authority such as Municipal Corporation/Gram Panchayat/ District Authority, as the case may be.
(For Green Shoots/ Start up category, no such document is required to be submitted).

- b. The Organization should be registered as a legal entity in the State of West Bengal.
- c. For paid up capital & turnover requirement, information is required to be given in the form of Statement duly certified by Chartered Accountant. A template for this statement is given at **Annexure I**.
(*For Green Shoots/Start up category, no such document is required to be submitted*).
- d. A copy of complete Audited Balance Sheet with Director's Report for the latest financial year.
- e. Bank Certificate with last 06 months statement.
- f. 3years ITR, GST Certificate, MSME Certificate.
- g. For address proof-Bankers Certificate showing address of the organization, name of its promoter/partners/ Director, as the case maybe.
- h. Details of staff employed giving names, designation, educational qualification & experience if any, in tourism field, and length of service in the organization(copies of certificates to be enclosed):
- i. Registration Certificates (RC) of the vehicles for the Tourist Transport Operator.
- j. Details of office premises, whether located in commercial or residential area, exact office space in sq. ft.
- k. Documents duly stamped & attested by the Managing Director /Managing Partner/Proprietor of the firm.
- l. An undertaking that all documents and information provided are correct and authentic. In case any such document is found false or fabricated, Department of Tourism Govt. of West Bengal will be empowered to take suo moto action in the form of withdrawal/termination/cancelling the registration. The sample of the undertaking is given at **Annexure II**.
- m. An amount of Rs.1000/- (Rupees Three thousand only) is to be paid through the link of payment gateway provided on the portal.

8. SCRUTINY OF APPLICATION

Immediately on completing the process and submission of application online, a system generated acknowledgement would be sent on the registered mobile number of the agency. The documents would be scrutinized at the Directorate.

9. INSPECTION OF THE OFFICE OF THE AGENCY

- (i) For agencies with annual turnover of more than Rs. 10.00 Crore inspection of the office premises will be undertaken by an Inspection Team. The inspection will be undertaken within a period of thirty working days from the receipt of a complete application. Following documents will be inspected/verified by the Inspection committee:
 - (a) Audited balance sheet, Profit & Loss Statement for paid capital and turnover authentication
 - (b) Bankers certificate/Lease deed/Rent agreement/GST Certificate
 - (c) Qualification Certificates of the staff
 - (d) RCs, permits of vehicles/boats, etc. as the case may be (for Tourist Transport Operators),
 - (e) Availability of First Aid equipment certificate and Insurance of the agency (for Adventure Tour Operators)
- (ii) In the case of agencies seeking renewal of recognition, physical inspection at the time of renewal would not be required, subject to the following conditions:-
 - (a) Turnover of the agency for the last two preceding years of submission of renewal application has not gone down by more than 50%. (*CA Certificate indicating turnover for the preceding two years to be submitted*)
 - (b) There are no complaints of serious nature against the agency regarding deficiency of service or any kind of irregularities, etc., brought to the notice of the Department of Tourism or any other State Government Authorities.

(iii) The Committee for inspection of office premises will comprise

- An officer deputed from the Department of Tourism, Govt. of West Bengal/WBTDCL.
- Representative of concerned District Magistrate/For Kolkata representative of Commissioner, KMC.
- A member of the concerned Association, i.e. IATO/TAAI/ADTOI/ATOI/ITTA etc/A local Tour Operator recognized by West Bengal Tourism Department or Ministry of Tourism Govt. of India
- The inspection must be completed within 30 days from the date of submission of a complete application. In case of failure of doing so, the inspection would be deemed to have been completed and recognition / approval would be accorded in favour of the stakeholders (Tour Operators / Travel Agents /Tourist Transport Operator).

10. GRANT OF RECOGNITION

- In the case of agencies for which inspection of office premises is not a requirement, approval for recognition will be accorded based on scrutiny of the documents submitted. The approval will be given by the Director of Tourism, Govt. of West Bengal.
- In the case of agencies for which inspection of office premises is a requirement, final approval for recognition by the Department of Tourism will be accorded based on recommendation of the inspecting committee. The approval will be given by the Director of Tourism, Govt. of West Bengal.
- In the case of renewal of recognition, the renewal will be accorded by the Department based on scrutiny of the documents submitted and subject to fulfillment of conditions enumerated in Clause 10(ii) of these Guidelines. The approval will be given by the Director of Tourism, Govt. of West Bengal.
- The decision of the Department of Tourism, Govt. of West Bengal in the matter of recognition/renewal or extension shall be final. The Department of Tourism may in their discretion refuse to recognize/renew or extend the recognition.

11. APPELLATE AUTHORITY

The agency not satisfied with the decision of the Competent Authority, may appeal to the Principal Secretary, Department of Tourism, Govt. of West Bengal giving reasons for the same. The decision of the Principal Secretary (Tourism) would be final.

12. VALIDITY OF RECOGNITION

- The validity of recognition accorded to Green Shoots or Start up Tour operators would be for a period of three years. Before the completion of period of three years they should apply for recognition under category of Experienced Tourism Service Provider. There is no provision of renewal under this category.
- For Experienced Category of Tourism Service Providers, the initial recognition shall be granted by the Director of Tourism, Government of West Bengal for a period of five years. The renewal/extension thereafter, shall also be granted for five years by the Director of Tourism, after inspection conducted by the said Committee where required (as stipulated in Clause 10(ii) of these Guidelines).

13. TIME LIMIT FOR SUBMISSION OF APPLICATION FOR RENEWAL OF RECOGNITION

The agency must submit their complete application prior to 45 days of expiry of the validity of their existing recognition. Submission of incomplete application not fulfilling all the requirements will not be counted for this purpose.

14. WITHDRAWAL/TERMINATION/REVOCATION OF THE RECOGNITION

The Department of Tourism shall have full powers to withdraw/terminate/revoke, as the case may be, the recognition granted in favor of any tourism service provider. In case the tourism service provider is not found to be working in the manner fulfilling the required service standards or complaints of serious nature related to deficiency in services, irregularities etc. are brought to the knowledge of the Department or any of District Magistrate or it is found that the agency has got recognition on the basis of false or fabricated documents, etc., the Department may consider to withdraw/terminate/ revoke their cognition granted. However, before taking a final decision, the opportunity shall be given to the service provider to explain their stand. In case no such clarification or reply is received from the agency within 30 days, the Department may take a suitable decision unilaterally.

15. PROVISION OF GRANT OF RELAXATION OF ANY ONE PROVISION OF THE GUIDELINES (EXCEPT EDUCATIONAL QUALIFICATION)

It has been seen that some of the agencies fulfill most of the requisite conditions for getting the recognition, but fail to fulfill one of the conditions. For example, sometimes agencies with promising background in the travel industry, lack the requisite paid up capital or minimum annual turnover. Such cases may be considered on case to case basis.

Principal Secretary, Department of Tourism, Government of West Bengal is the competent authority to relax not more than one specific clause as mentioned under Para 5 "Eligibility" of the Guidelines. However, the requirement of minimum education qualification of staff is essential and this will be kept out of this ambit as this is basic to the standard service being provided to the tourists.

16. MISCELLANEOUS PROVISIONS

- (i) The recognition/ renewal or extension would be granted to the Head Office only. There won't be any need to get a separate recognition for the branch office of the same agency (working with the same name and under same owner). However, it won't be applicable to the branch office of the agency working under different ownership such as on franchise basis or an agreement of such nature of any kind, using only the brand name. This agency will have to apply afresh with the name of the agency not with the brand name.
- (ii) Tourism Service Providers would have to report action taken by them in their Annual Report which shall be kept with them & submitted at the time of renewal.
- (iii) It shall be mandatory for a recognized tourism service provider to prominently display the Certificate of approval of recognition/renewal or extension given by Director of Tourism in the office by pasting it on a board or in a picture frame so that it is visible to a potential tourist.
- (iv) The Recognized Tourism Service Providers would be given the opportunity to participate in major International & National Tourism Promotion Fairs / Festivals /Conferences as a Co-Exhibitor with the Tourism Department Government of West Bengal. Opportunity would be provided to the eligible applicants on first come first serve basis for each such event.
- (v) The list of the Recognized Tourism Service Providers would be incorporated in the departmental website.
- (vi) The Tourism Department would also facilitate all the Recognized Tourism Service Providers in promotion and marketing.
- (vii) The Tour Operators engaged in activities related to adventure tourism will have to adhere with all the safety norms which have been prescribed and laid down by competent authority.

17. Following Reports are required to be submitted by Recognized Tourism Service Providers:

- (i) Volume of international tourist traffic handled. (Please submit a certificate from Statutory Auditor of the firm). This certificate should show the foreign exchange earnings receipts supported by Inward Foreign Exchange Remittance Certificate from inbound tour operations only during the current financial year or the year immediately preceding the date of submission of your application (for inbound tour operators only).
- (ii) Clientele: special tourist groups handled (international and/or domestic), if any, their size, frequency, etc.
- (iii) Steps taken to promote domestic/inbound tourism.
- (iv) Special programs if any, arranged for tourists.
- (v) Please attach publicity material such as brochures/folders/leaflets/posters concerning itineraries and submit details of website address of the agency.
- (vi) Number of conferences handled, if any, and the details of total number of passengers for such conferences with details of locations, etc.
- (vii) Number of incentive tours handled.

By order of the Governor,

NANDINI CHAKRAVORTY
Principal Secretary to the Government of West Bengal

[Letter head of the Chartered Accountant]**Annexure I****Certificate showing paid up capital & turnover of the Tour Operator/Travel Agent/
Tourist Transport Operator**

This is to certify that Mr./Mrs./Ms. _____ owner of/the proprietor _____ Director of the company _____ / Partner of the firm _____. A copy of the partnership agreement/proprietorship/ registration of the company is enclosed.

This is to further certify that the paid up capital of the company/partnership firm/proprietorship is Rs. _____ and its total turnover from tour operation of the travel Industry business for the financial year _____ is _____.

The aforesaid information are true to the facts best know to me and are based on the audited balance sheet, Profit and Loss A/c and Income Tax returns filed by the Company for the financial year _____.

(Proprietor/Director/Partner)

(Chartered Accountant)

Name of the Proprietorship/firm/Membership No. with Company seal

Annexure II

Affidavit-Stamp paper of Rs.100

I, _____ son/daughter of Shri _____ a resident of _____ and owner/Partner/Director of the Tour Operator/Travel Agent / Tourist Transport Operator _____ on _____ day of _____ month _____ year _____ do hereby affirm and declare as follows:

That the M/s _____ has got necessary registration with the Local authority (Municipal corporation/Gram Panchayat - as the case may be) and fulfils all the necessary requirements as mentioned in the Guidelines such as Paid up capital, Minimum turnover, staff qualification, etc.

That at any stage, it is found that the M/s _____ has misrepresented the facts/given wrong statement and that its services are not found up to standard, the recognition/approval given by Director of Tourism, Government of West Bengal shall be withdrawn with immediate effect and I _____, Proprietor/Partner/Director of M/s shall not have any objection to it.

(Deponent)

I, the undersigned, Notary Public, do hereby affirms that Shri/Smt. _____ Personally appeared before me on the _____ day of _____ and signed the above Affidavit.

Signature and stamp of the Notary Public

ANNEXURE III

Particulars of vehicles / boats of TTO (Minimum 06 vehicles/02 boats (all in the name of the company) Copies of RC / TC should be attested. More columns may be added for extra vehicles/boats.

Sl. no.	Type of vehicle	Registered in the name of	Registration No.	RC dated	Tourist Permit	TP dated	Others/ Remarks
1.							
2.							
3.							
4.							
5.							
6.							

LIST OF DOCUMENTS (CHECK LIST) REQUIRED FOR FIRST APPROVAL/RENEWAL OR EXTENSION AS AN RECOGNIZED TOURISM SERVICE PROVIDER

1. Online application duly filled in.
2. Attested Photograph and sign should be uploaded on portal.
3. Documentary proof (preferably registration certificates from Government) in support of beginning of operations of your firm.
4. Certificate given by the chartered accountant regarding Paid up capital, annual turnover and other details given in the **Annexure I of the Guidelines**.
5. Affidavit given by the Proprietor/Partner/Trustees/Director of the company, as the case may be in the form of **Annexure II of the Guidelines**.
6. A copy of complete Audited Balance Sheet with Director's Report for the latest financial year.
7. Income Tax Acknowledgement for the latest assessment year.
8. Service Tax Registration number from the concerned authority.
9. Reference letter from Bank on its original letter head regarding firm's bank account and address with telephone numbers.
10. Details of staff employed giving names, designation, educational qualification & experience if any, in tourism field, and length of service in the organization (copies of certificates to be enclosed):
11. List of Directors/Partners or name of the Proprietor.
12. Details of office premises, whether located in commercial or residential area, exact office space in sq. ft. for agencies with annual turnover of more than Rs. 10 Crore and accessibility to toilet and reception area.
13. Documents duly stamped & attested by the Managing Director/Managing Partner/Proprietor of the firm.
14. The payment of fee of Rs. 1,000/-should be made online only through Debit/Credit Cards, e-banking etc.

NOTE:

- I. The details of the Guidelines etc., may be downloaded from website www.wbtourism.gov.in
- II. The application form along with all supporting documents should be submitted online.
- III. The application for renewal shall also be submitted online
- IV. When applying for Branch Office(s), of the agency working under different ownership such as a franchise or an agreement of such nature, separate application should be filled and submitted online along with the required documents, in duplicate.