

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Wednesday, the Tenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice ABDUL QUDDHOSE

WP Nos.5378 and 5384 of 2021

and

WMP Nos.5973, 5976, 5977, 5981 and 5983 of 2021

TOURIST GUIDES FEDERATION OF SOUTH INDIA, [PETITIONER IN BOTH THE PETITIONS]
(REGD. AS 303/2007),

REP. BY ITS SECRETARY, M.CHARLES,
PLOT NO. 37/2,
AZEEZ NAGAR, 1ST STREET,
KODAMBAKKAM,
CHENNAI 600 024.

Vs

[1 TO 3 RESPONDENTS IN BOTH THE PETITIONS]

1 UNION OF INDIA
MINISTRY OF CULTURE,
REP BY ITS SECRETARY,
ROOM NO. 501, C WING,
SHASTRI BHAVAN,
NEW DELHI 110 015

2 ARCHAEOLOGICAL SURVEY OF INDIA,
REP BY DIRECTOR GENERAL AND ADDITIONAL SECRETARY,
DEPARTMENT OF CULTURE,
DHAROHAR BHAVAN, NO.24,
TILAK MARG, NEW DELHI 110 001

3 UNION OF INDIA
MINISTRY OF TOURISM,
REP.BY ITS SECRETARY,
TRANSPORT BHAVAN, NO.1,
PARLIAMENT STREET,
NEW DELHI 110 001.

4 THE ASSISTANT DIRECTOR GENERAL
(TT), MINISTRY OF TOURISM,
7TH FLOOR, CHANDERLOK BUILDING,
36, JANPATH, NEW DELHI 110 001.

[4 TO 6 RESPONDENTS IN WP.5378/21]

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5 THE REGIONAL DIRECTOR
MINISTRY OF TOURISM, NO. 154,
MOUNT ROAD, CHENNAI 600 002.

[4TH RESPONDETNT IN WP.5384/21]

6 THE ADDITIONAL DIRECTOR GENERAL
~~RAI~~, MINISTRY OF TOURISM, TRANSPORT BHAVAN,
R.NO.125, NO.1, PARLIAMENT STREET,
NEW DELHI 110 001.

Writ Petitions under Article 226 of the Constitution of India praying that in these circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to issue a writ of Certiorarified Mandamus, or any other appropriate Writ, Order or Direction in the nature of Writ to

1. WP No.5378 of 2021

call for the records of the 4th respondent dated 12/01/2021 in File No.TT-501/1/2020- TT (Office Memorandum) and quash the same so far as it relates to Regional Level Guides and consequently direct the 5th respondent to renew the license of all existing valid Regional Level Guide license holders of the members of the petitioner federation in terms of Clause (d) of Rule 8 of the Archaeological Monuments and Sites Rules, 1959 under Sec 29(a) of the Ancient Monuments and Archaeological Sites and Remains Act, 1958

2. WP No.5384 of 2021

call for recrds of the 3rd respondent dated 11.01.2021 in No.TT-501/1/2020- (TT) Modified Guidelines for the Incredible India Tourist Facilitator (IITF) and Incredible India Tourist Guide (IITG) Certification Programme and quash the same so far as it relates to Regional Level Guides

3. WMP No.5973 of 2021

to dispense with the production of the original impugned office memorandum dated 12/01/2021 in File No. TTT-501/1/2020- TT issued by the 4th respondent at present

4. WMP No.5976 of 2021

to pass an order of Interim stay of operations of the Office Memorandum dated 12/01/2021 in File No.TT-501/1/2020- TT issued by the 4th respondent so far as it relates to Regional Level Guides pending disposal of the above writ petition

5. WMP No.5977 of 2021

to pass an interim direction directing the 5th respondent to renew the license of all existing valid Regional Level Guide license holders of the members of the petitioner federation in terms of Clause (d) of Rule 8 of the Archaeological Monuments and Sites Rules, 1959 under Sec 29(a) of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 pending disposal of the above writ

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petition

6. WMP No.5981 of 2021
to dispense with the production of the original impugned office Memorandum dated 11.01.2021 in No. TT- 501/1/2020- (TT) issued by the 3rd respondent at present

7. WMP No.5983 of 2021
to grant interim stay of the operation of the Modified Guidelines of the 3rd respondent dated 11.01.2021 in No. TT- 501/1/2020- (TT) Modified Guidelines for the Incredible India Tourist Facilitator (IITF) and Incredible India Tourist Guide (IITG) Certification Programme so far as it relates to Regional Level Guides pending disposal of the above writ petition

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of MR.V.RAGHAVACHARI Advocate for M/S.R.SRIRAM, Advocate for the petitioner in both the petitions and of MR.PERAMBUR E.PALANI Central Government Standing Counsel on behalf of the Respondents in both the petitions the court made the following order:-

Mr.Perambur E.Palani, learned Central Government Standing Counsel accepts notice for the respondents.

2. The petitioner has challenged the impugned memorandum, dated 12.01.2021 issued in supersession of the earlier memorandum, dated 02.03.2020 on the ground that it is highly prejudicial, unilateral and issued without consulting the stakeholders.

3. According to the petitioner / Federation, their members are well trained persons to act as Regional Level Guides and they have acquired the necessary qualifications for the said purpose. However, according to them, under the impugned memorandum, dated 12.01.2021, the qualifications required for Regional Level Guides has been reduced. The relevant paragraph of the impugned memorandum, dated 12.01.2021 reads as follows :-

2. The matter has been discussed in the Ministry and with stakeholders / representatives of Tourist Guide Associations and after due consideration and with the approval of the Competent Authority, the Regional Level Guide (RLG) is renamed as Incredible India Tourist Guide (IITG) and detailed guidelines have been issued vide OM of even number dated 11.01.2021 (copy attached) with the following provisions :

a. The nomenclature of existing Regional Level Guide (RLG) will be changed to Incredible India Tourist Guide (IITG) on completion of the Refresher Course as provided in

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the revised guideline, and their area of operation has been widened from a specified region to Pan India.

b. The existing Regional Level Guide (RLG) will be allowed additional six months time i.e upto 30.09.2021 to complete the Refresher Course for getting the certification of Incredible India Tourist Guide (IITG), which would enable them to continue guiding at ASI Protected Monuments and Heritage Sites, in addition to other tourism site and destination in the country.

3. This issue is in suppression of the OM No.TT-501/01/2020/TT, dated 02.03.2020.

4. Further the above orders will be subject to the outcome in the WP (C) No.3342, 4141, 4511, 5210 and 6073 of 2017 under consideration with the Hon'ble High Court of Delhi.

4. Under the impugned memorandum, the 3rd respondent has made it clear that the said memorandum is subject to the outcome of the writ petition pending on the file of the Hon'ble High Court of Delhi in WP No.3342 of 2017 batch.

5. The learned counsel for the petitioner has filed Additional Typed set of papers before this Court, today giving details of the proceedings pending before the Hon'ble High Court of Delhi in WP No.3342 of 2017 batch.

6. As seen from the Additional Typed set, the Hon'ble High Court of Delhi by its order, dated 18.04.2017 has granted an order of status quo as against the impugned memorandum, which is the subject matter of this writ petition. The said status quo has also been extended periodically by Hon'ble High Court of Delhi and now the matter is listed for hearing on 26.04.2021.

7. This Court is of the considered view that similar order should also enure to the benefit of this petitioner also. Accordingly, there shall be an order of status quo until further orders.

Post the matter for counter on 19.04.2021.

-sd/-

10/03/2021

/ TRUE COPY /

P. Bhannumugharaj 10/3/2021
For Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

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TO

1 UNION OF INDIA
MINISTRY OF CULTURE,
REP BY ITS SECRETARY,
ROOM NO. 501, C WING,
SHASTRI BHAVAN,
NEW DELHI 110 015

2 ARCHAEOLOGICAL SURVEY OF INDIA,
REP BY DIRECTOR GENERAL AND ADDITIONAL
SECRETARY, DEPARTMENT OF CULTURE, DHAROHAR
BHAVAN, NO. 24, TILAK MARG,
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MINISTRY OF TOURISM, NO. 154,
MOUNT ROAD,
CHENNAI 600 002

6 THE ADDITIONAL DIRECTOR GENERAL,
MINISTRY OF TOURISM, TRANSPORT BHAVAN,
R.NO. 125, NO.1, PARLIAMENT STREET,
NEW DELHI 110 001

+1CC TO MR.SRIRAM ADVOCATE SR.NO.1651

Order
in

WP Nos.5378 and 5384 of 2021

and

WMP Nos.5973, 5976, 5977, 5981 and 5983 of 2021

Date :10/03/2021

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format

SDR 15/03/2021

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HIGH COURT OF JUDICATURE
MADRAS

S. R. No. 165

Carbon Copy application
made 11/3/2020

Application Returned 200

Application Represented 200

Copy made ready 16/3/2020

Copy delivered 17/3/2020

M. M. S. 13/2021
Section Officer
C.C.C. Section

E. P. S. 2021