

CLARIFICATORY NOTE

I. Consequent upon the Ministry of Culture (Archaeological Survey of India) Notification dated 21.01.2003 Ministry of Tourism issued its guidelines in 2003 for the selection of the Regional Level Guides Guidelines. The respondents in compliance of the direction of Hon^{ble} High Court, Delhi in the Writ Petition No. 4366 titled Anuj Johri & Ors V/s Union of India further revised the guidelines in the year 2007 which clarified that ~~Re~~ revision in conditions of eligibility and qualifications for Regional Level Tourists Guides, the Government has the powers to revise eligibility criteria for grant of license to tourist guides including enhancing educational qualifications to strive for better quality of guides+.

The eligibility criterion thereupon has been formulated in order to meet the increasing demand of guides while maintaining the desired quality both for international and domestic tourists. Thus, the guidelines of the year 2007 have been issued revising the year 2003 guidelines and hence, the latter could have been operated by the State Governments up to 2007. The 2007 guidelines became operative from February 2007.

II. That some of the existing Regional Level Guides challenged the Notification dated 21.01.2003 vide which Additional Director General (Tourism) was appointed as ~~statutory authority~~ for framing and issuing guidelines for guide licenses. The Hon^{ble} High Court of Rajasthan, Jaipur (Single Bench) vide its Judgment dated 19.09.2008 in WP No. 5607/2004 declared the said Notification as without jurisdiction and powers of Additional Director General, Ministry of Tourism to issue licenses were also quashed. Respondents No. 2 & 6 (Archaeological Survey of India & Ministry of Tourism, respectively) had filed Special Appeal in the Double Bench against this Judgment.

III. The Special Appeal filed against the Judgment Order in WP No. 5607 / 2004 has been heard and the Honorable High Court of Rajasthan vide Order dated 15.12.2009 in DB Special Appeal Writ No. 95 / 2009 has stayed operation of the Order dated 19.09.2008 in WP No. 5607/2004).

IV. Ministry of Culture (Archaeological Survey of India) vide Notification dated 11th January 2010 conveyed their intention to give powers to Additional Director General (Tourism) and 60 days time was given for receipt of suggestions / objections, if any. Since no objections were received the Ministry of Culture (Archaeological Survey of India) issued fresh Notification on 20th May 2010 declaring the Additional Director General (Tourism) as Statutory Authority under the Act for framing and issuing guidelines, for issuance of Guide license. However, this Notification has a prospective effect and not retrospective effect. Since this Notification is not under challenge, action taken pursuant to the Notification dated 21.01.2003 would be subject to final outcome of the writ petition in the Honorable HC of Rajasthan (Jaipur Bench).
