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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6840/2013 and CM APPL. 9834/2019**

GOVERNMENT APPROVED TOURIST GUIDES

ASSOCIATION (GATGA)

..... Petitioner

Through: Counsel (appearance not given).

versus

DIRECTOR GENERAL, ARCHAEOLOGICAL

SURVEY OF INDIA (ASI) & ANR

..... Respondents

Through: Mr Ajay Digpaul, CGSC with Mr
Soumaya Karmakar, Advocate for R-
1/UOI.

Mr Anuj Aggarwal, ASC for GNCTD
with Mr Preet Pal Singh, Advocate
for R-2.

SI Arun Kumar, PS Hazrat
Nizamuddin.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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11.03.2019

1. The petitioner is a registered association of Tourist Guides, who have been issued a licence to act as an authorised guide by the Ministry of Tourism, Government of India.
2. The petitioner has filed the present petition, *inter alia*, praying as under:-

“It is therefore, most humbly and respectfully prayed that this Hon’ble Court may be pleased to issue appropriate writ(s), order(s), or direction(s) in the nature of mandamus, whereby directing the respondents to take appropriate action against the

unauthorised persons/touts who are acting and working as tourist guides, restraining them from entering the protected ancient monuments and archaeological sites and also restraining them from putting hindrance to the members of the petitioner association in carrying out their work and profession.”

3. It is the petitioner’s case that there are several unauthorised persons, who are acting as authorised guides and the respondents have taken no action against such unauthorised guides.

4. Rule 8(d) of the Ancient Monuments and Archaeological Sites and Remains Rules, 1959 (hereafter ‘the Rules’), expressly prohibits any person to show a visitor around for monetary consideration.

5. Clause (d) of Rule 8 of the said Rules reads as under:-

“8. No person shall, within a protected monument, -

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“8(d) hawk or sell any goods or wares or canvas any custom for such goods or wares or display any advertisement in any form or show a visitor round or take his photograph for monetary consideration, except under the authority of, or under, and in accordance with the conditions of, a licence granted by an archaeological officer;”

6. It is also relevant to note that Rule 9(iii) of the said Rules also provides for the penalty for the contravention of the provisions of the said Rules. Rule 9 is set out below:-

“9. Penalty.—Whoever—

- (i) unlawfully enters any protected monument or part thereof at a time when, under these

rules, it is not to be kept open, or

(ii) unlawfully enters any protected monument in respect of which an order has been made under rule 5, or

(iii) contravenes of any of the provisions of rule 6 or rule 7 or rule 8,

shall be punishable with fine which may be extended to five hundred rupees.”

7. It is apparent from the above that there is a statutory framework within which the respondents have to act. In the circumstances, the present petition is disposed of by directing the respondents to take appropriate action, as and when any specific instance is pointed out by the petitioner. Needless to state that any such action would be taken only after due enquiry and in accordance with law.

8. No further orders are required to be passed in this petition and the petition is disposed of. The pending application also stands disposed of.

VIBHU BAKHRU, J

MARCH 11, 2019

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