

**IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR**

**BEFORE**

**HON'BLE SHRI JUSTICE PURUSHAINDRA KUMAR KAURAV**

**WRIT PETITION No.3218 of 2022**

**Between:-**

- 1. BANDHAVGARH GUIDES ASSOCIATION, A REGISTERED SOCIETY, THROUGH ITS MANAGER, SIDDH NARAYAN DWIVEDI, S/O SHRI ABHIMANYU DHAR DWIVEDI, AGED ABOUT 43 YEARS, POST TALA, TEHSIL MANPUR, DISTRICT UMARIA, M.P.**
- 2. SIDDH NARAYAN DWIVEDI, S/O SHRI ABHIMANYU DHAR DWIVEDI, AGED ABOUT 43 YEARS, MANAGER, BANDHAVGARH GUIDES ASSOCIATION, POST TALA, TEHSIL MANPUR, DISTRICT UMARIA, M.P.**

**.....PETITIONERS**

***(BY SHRI ANSHUMAN SINGH - ADVOCATE)***

**AND**

- 1. THE STATE OF MADHYA PRADESH THROUGH THE PRINCIPAL SECRETARY, FOREST DEPARTMENT, VALLABH BHAWAN BHOPAL (M.P.).**
- 2. THE PRINCIPAL CHIEF CONSERVATOR OF FOREST (WILDLIFE) CUM CHIEF WILDLIFE WARDEN, SATPURA BHAWAN, BHOPAL M.P.**
- 3. THE LOCAL ADVISORY COMMITTEE, BANDHAVGARH TIGER RESERVE, THROUGH ITS CHAIRMAN, THE DIVISIONAL COMMISSIONER, SHAHDOL DIVISION, SHAHDOL, M.P.**
- 4. THE FIELD DIRECTOR, BANDHAVGARH TIGER RESERVE, UMARIA, M.P.**

**.....RESPONDENTS**

***(BY SHRI DARSHAN SONI – GOVERNMENT ADVOCATE)***

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Reserved on : 21.02.2022  
Delivered on : 26.02.2022  
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**ORDER**

The petitioner is aggrieved by the resolution dated 05.01.2022 (Annexure P/7) passed by respondent No.3 allowing 50 new guides in Bandhavgarh Tiger Reserve.

2. The case of the petitioners is that petitioner No.1 is an association of guides working and registered in Bandhavgarh Tiger Reserve and petitioner No.2 is the Manager of the said association. They submit that induction of 50 additional guides in Bandhavgarh Tiger Reserve violates their fundamental right guaranteed under Article 14,19 and 21 of the Constitution. It is stated that presently 108 guides are already registered by the Field Director, Bandhavgarh Tiger Reserve and the Local Advisory Committee is not the statutory body which can increase the number of guides by almost 50% of the existing strength. The entry of tourists in recent past has drastically reduced and if such a decision is implemented, the employment possibilities of the members of the petitioners/association is bound to be reduced.

3. I have heard learned counsel for the parties and perused the record.

4. I have perused the Guidelines For Tourism In And Around Tiger Reserves framed in exercise of powers under Section 38(O)(I)(c) of the Wild Life (Protection) Act, 1972 and other laws in force. Guideline 2.1.8 requires constitution of Local Advisory Committee for each Tiger Reserve by the State Government to perform the functions as mentioned in the said guidelines. Guideline 2.1.9 provides for the constitution of the members of the Local Advisory Committee. Guideline 2.1.8 and 2.1.9 reads as under:-

**“2.1.8 A Local Advisory Committee** (hereinafter referred to as LAC) shall be constituted for each tiger reserve by the State Government. The LAC shall have the following functions, namely :

- (a) to review the tourism strategy with respect to the tiger reserve and make recommendations to the State Government;
- (b) to ensure computation of reserve specific carrying capacity and its implementation through periodic reviews;
- (c) to ensure site specific norms on buildings, and infrastructures in areas inside and close to tiger reserves, keeping in view the corridor value and ecological aesthetics;
- (d) to advise local self Government and State Government on issues relating to development of tourism in and around tiger reserves;
- (e) monitor regularly (at least half yearly) all tourist facilities in and around tiger reserves vis-à-vis environmental clearance, area of coverage, ownership, type of construction, number of employees, etc. for suggesting mitigation and retrofitting measures if needed;

(f) monitor regularly activities of tour operators to ensure that they do not cause disturbance to animals while taking visitors into the tiger reserves;

**2.1.9 Local Advisory Committee shall consist of :**

(a) Divisional Commissioner or an officer of equivalent rank to be nominated by the State Government- Chairperson;

(b) Member/s of the State Legislature representing the area comprising of the concerned tiger reserve;

(c) District Collector/s.

(d) Tiger Reserve Field Director (Member Secretary) Local

(e) Territorial Divisional Forests Officers

(f) Honorary Wildlife Warden (if present)

(g) Official of State Tourism Department

(h) Official of the State Tribal Department

(i) one Block Development Officer or Sub Divisional Magistrate to be nominated by the State Government

(j) two Members of Local Panchayats to be nominated by the State Government

(k) one Wildlife scientist to be nominated by the State Government

(l) one Social scientist to be nominated by the State Government

(m) one representative of the tourism sector to be nominated by the State Government

(n) two local conservationists to be nominated by the State Government

(o) two representatives from a local, registered Civil Society Institution to be nominated by the State Government

(p) Provided that the Gram Sabhas and in case of North Eastern States, the traditional village councils

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shall be recognized as equivalent to Panchayat Members, wherever such councils exist.”

5. A perusal of the minutes of the resolution passed by the aforesaid Local Advisory Committee dated 05.01.2022 (Annexure P/7) shows that 50 more guides are to be selected out of which 25 should preferably be female guides and, in case of non-availability of female guides, male guides will be selected. For selection of such guides, certain parameters have been prescribed in the said decision.

6. In view of the aforesaid discussion, this court is of the opinion that such a resolution of the Local Advisory Committee should not be interfered with in exercise of powers vested under Article 226 of the Constitution, because the decision has been taken by the experts of the field based on the local requirement. The same cannot be challenged by the existing guides on the ground the same would amount to reduction in employment possibilities. Whether the number of tourists visiting the Tiger Reserve are in commensurate to the available number of guides or not; whether number of guides are in excess; what is the number of tourists visiting the Tiger Reserve; or whether all the guides are getting the employment on regular basis are the issues to be dealt with by an experts of that field.

7. I do not find any error or illegality in impugned order/ resolution dated 05.01.2022 (Annexure P/7) passed by the Local Advisory

Committee, therefore, the instant petition is dismissed at admission stage.

**(PURUSHAINDRA KUMAR KAURAV)**  
**JUDGE**

MKL.

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