

TOURISM AND SUSTAINABLE DEVELOPMENT

Issues, Challenges and Best Practices

Editors

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Dept. of Tourism and Travel Management
MANGALORE UNIVERSITY
Mangalagangothri, India



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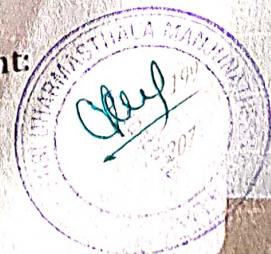


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A Study of the Laws Relating to Environment and Tourism in India

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Abstract: The concept of tourism and environment are closely associated each other and they are playing prominent role in the economy and stability of the nation respectively. The relationship between tourism and environment are highlighted and a deliberation took place in the Ninth Ministerial Conference of the World Trade Organisation held in December 2013 at Bali. The United Nations World Tourism Organization became a new observer agency to the Enhanced Integrated Framework, a partnership institution which recognizes the growing importance of tourism as a potential sector in Least Developed Countries. In India, there are portfolio with Union Minister of State for Tourism to manage development and promotion of tourism and the Ministry of Environment and Forests for environmental matters. Tourism has lot of benefits but at the same time its implication on environment and contribution to pollution must be measured properly. For the same purpose, implementation of rules, regulations and legislations is also required in stringent manner.

There are legislations which are directly and indirectly related to tourism and environment like laws related to trans-border movement, transportation, accommodation, consumer protection, land use, labour laws, environment protection, monuments and historical place etc. To protect environment there are numerous legislations in India like The Air (Prevention and Control of Pollution) Act, Water (Prevention and Control of Pollution) Act, Wildlife Protection Act, Forest Conservation Act, The National Environment Appellate Authority Act, The Coastal Zone Regulations etc. In the Concurrent List of the Constitution of India tourism and related matters are narrated. The States like Himachal Pradesh, Jammu and Kashmir, Goa etc have formulated their own state legislation for the purpose of tourism. In the same way, Karnataka has The Karnataka Tourism Trade (Facilitation and Regulation) Act, 2015 to govern tourism in Karnataka. Even Karnataka Tourism Policy 2015-2020 also been launched by the Government. The Tourism has considerable influence on environmental upgradation and pollution too. But law should be implemented in such a way that tourism should create structural development in environment and environment should lead for more tourism in the future.

Keywords: Environment, Tourism, Promotion, Rules-Regulations, Legislation

1. Introduction

The tourism has a strong bond with cultural, political, social, and environmental issues of any nation. As there is connection between tourism and the environment, the effects of tourism in the area of environment is remarkable. So proper attention and understanding of its government laws seems to be necessary to encounter challenges and achieve the goals of sustainable tourism. The Indian geographical area and cultural diversities attracts tourism in



is a land of varieties and it has cultural and historical heritage and heritage centres to visit. The climatic condition is also very much suitable for the tourists to visit India. But if there is no proper regulating mechanism for tourism, then apprehension of environmental degradation will be created. There are laws, rules, regulations and legislations formulated to govern both environment and tourism.

2. Objectives of the Study

The main objectives of the study are as follows:-

- 1. To study the laws regulating and connecting tourism and environment.
- 2. To know, how far laws to protect environment are effective.
- 3. To find the ways for betterment of tourism without harming environment.

3. Research Methodology

The study has been made through secondary data collected such as journals, magazines, periodicals, newspaper articles, books and from online database.

3.1 Relationship between Environment and Tourism

The forest, wildlife-sanctuaries, parks, botanical gardens, historical monuments, falls and water fountains etc are the parts of our environment but they are the main places or events of attraction for the tourists who comes to India from different parts of the world. So, the quality of the environment, is significant to develop tourism in any nation. The relationship between tourism and environment is a complex in nature and they are closely linked to one another. But they are also supplementary to each other. On the one hand tourism destinations are relying on natural resources like mountain regions, coral reefs, natural waters, forest and greenery and others which are capable to attract the viewers and on the other side, environment may influence in a positive or negative way on tourism. If there arises any fluctuation like rise of sea water level, meltdown of glaciers and the polar ice, change in the temperature etc will discourage tourists to visit the places.

3.2 Positive and Negative Impact of Tourism on Environment

Each and every activity has its own positive and negative impact on natural environment but its consequence may vary from one activity to another. Tourism industry can help environment through several ways. Tourism also contributes significantly to the protection of environment, conservation and restoration of biological diversity as well as sustainable use of natural resources. As tourism brings people into closer contact with nature and the environment, it has the potential to increase public appreciation of the environment and to spread awareness of environmental problems. It increases the consciousness to protect environment and to preserve the rich heritage for some extent. Other than these, there will be direct financial contribution through tourism which will help for the conservation of sensitive areas and habitat. To protect and manage environmentally sensitive areas, sound financial base is required and it can be obtained through park-entrance fees, license fees, rent on equipment and other fees which are paid by the tourists and visitors.



Pollution is considered as one of the biggest drawbacks of tourism on the environment like water pollution due to vessels while transporting tourists or the disposal of sewage water into rivers, lakes and oceans. The emissions contribute to air pollution released from tourism transportation methods and it results in global climate change too. Due to large number of tourists, there arises problem of waste disposal in tourism destinations, noise pollution resulting from traffic or tourist behaviour. Other than these, the tourism destinations are being modified to increase its attractiveness or its efficiency for tourists needs, aesthetic pollution also takes place.

Tourism also leads for the overuse of natural resources which can result in exhaustion of such resources which are required for other sectors like agriculture, small scale industry etc which will lead to conflict. The environment consists of various ecosystem, some of which are very unique and attractive provides destination for tourists to visit and experience nature in a way they have never seen before. Because of its uniqueness if the density of tourist is more, these ecosystems can suffer significant damage due to tourism by varied activities for the development of infrastructure, construction of facilities etc. Regulatory measures can also be implemented for controlling the number of tourist activities and movements of visitors within protected areas to prevent harmful impacts on ecosystems and help to maintain the integrity and vitality of the natural sites.

3.3 Laws Governing Environment in Relation to Tourism in India

There are many environmental challenges in relation to tourism. There is need to achieve a practical balance between tourism and environment for the sustainable growth in different type of tourism such as ecotourism, adventure, and cultural tourism. The stakeholders like national, regional and local government, as well as tourism and environmental organizations, including landowners should take active role in protection of environment along with promotion of tourism. The tourists must be educated in such a way that, they should enjoy the benefits of tourism by not harming the environment in any manner. There must be rules to establish quality standards or systems of good practice to increase effectiveness and efficiency as well as to safeguard natural and man-made environment and heritages.

In India, the present national environmental policies and tourism policies of various states and union territories mainly focus on infrastructure driven tourism. The Protected Areas like Wild life sanctuaries, National Parks, Biosphere Reserves etc are developed with the motive to develop ecotourism in India. Under the Forest Conservation Act 1980, in forest area non forestry activities are prohibited.

The people centric tourism activities are not allowed if they are hazardous to the protection and preservation of environment. The Indian Forest Act 1927, passed during British rule sought to consolidate and reserve the areas having forest cover as well as wildlife, to regulate movement and transit of forest produce, and duty leviable on timber and other forest produce. If the forest is reserved in nature then tourists' activities are not allowed. Under the Wildlife Protection Act it protects wild animals, birds, plants, flora, fauna, and other species habitat. Import or export or any other trading activities connected to the wild life is prohibited. Tourists can come and watch the beauty of forest and wildlife but not to interfere in their affairs directly or indirectly.



The Air Prevention and Control of Pollution Act 1981, provides for the prevention, control and abatement of air pollution. It is a comprehensive legislation which makes provisions for Central and State Boards, power to declare pollution control areas, restrictions on certain industrial units, powers and authority of the Boards to limit emission of air pollutants, procedures of inspection and imposition of penalties, offences by companies and Government and cognizance of offences etc.

Tourism also contributes for air pollution and this legislation comes to regulate tourist activities in the nation. As per the Environment Protection Act 1986, it is the power of Central Government to protect and improve the quality of environment, reduction and control of pollution from all sources and prohibit or restrict the establishment and operation of any industrial facility on environmental grounds. Coastal Zone Regulations, Coastal Regulation Zone Rules govern human and industrial activity near to the coastline, to protect the fragile ecosystems close to the sea. The Rules framed in 1991, mandated under the Environment Protection Act, 1986. It aimed to restrict certain activities, like large constructions, establishment of new industries, storage or disposal of hazardous material, mining, within a certain distance from the coastline. The main reason behind this rule was that areas immediately next to the sea are extremely delicate and certain changes in the climate and environment leads to variation in habitat and life of living creatures.

In all Coastal Regulation Zone Rules, the regulation zone is the area up to 500 meters from the high-tide line. Based on criteria such as the population of the area, the distance from the shore, the ecological sensitivity and area if designated as a natural park or wildlife zone several restrictions are applied.

3.4 Plans and Policies of Tourism in India

The tourism activity had started in a modest way in the early fifties, but in the first five-year plan did not include fund allocation for tourism development. In 1949, the tourism division was formed and functioned under the Ministry of Transport and its outlay included some provision for tourism activities. Planning on Indian tourism increased with the seventh five-year plan. The main policies on tourism laid down under seventh five year plan are as follows:

- a. Promotion of Domestic Tourism
- b. Plan to create more beach resorts
- c. Giving more options to foreign tourists by holding conferences, trekking expeditions and winter sports etc.

But in the Eighth Five-Year Plan emphasis was given to the private sectors to increase their participation in the tourism sector for which the Central Government had provided various facilities to develop tourism sector. As a result, a national action plan for Tourism was also announced in May 1992. The main goals of national action plans are as follows:

1. To preserve the environment and national heritage.
2. To promote social and economic development of tourist areas.
3. To create employment opportunities in tourism sector.
4. To develop domestic tourism, as well as international tourism and to increase share in world tourism.
5. To work for the diversification of tourism product.



In the Ninth Five Year Plan, the main focus was given by the Government on the development of basic infrastructures such as transport facilities and civic amenities, provision of accommodation and other facilities for tourists of both domestic and international. In the twelfth five-year plan, the major focus was given to the indigenous and natural health tourism, rural and village tourism, pilgrim and heritage tourism, adventure tourism and so on. In this five-year plan with the slogan of Incredible India, tourists of overseas are attracted and as a result the foreign exchange also increased. This plan highlighted the need to adopt a tourism which aimed at increasing the net benefits and supports poor communities and to ensure that tourism growth contributes to poverty reduction.

In the month of June 1982, tourism was recognized as an industry by the Planning Commission of India. There are six broad areas to achieve the policies of tourism such as Welcome, Information, Facilitation, Safety, Cooperation and Infrastructure Development. The National Committee on Tourism setup in July 1986 by the Planning Commission of India to formulate plans for this sector. In tourism industry, we can find lots of changes and gradual developments in the last few years and the government and department of tourism needs to make necessary efforts to maintain the flow of prosperity and frame policies to strive to reach tourism greater heights on a sustainable basis.

It is the Ministry of Tourism in collaboration with Ministry of Culture and Archaeological Survey of India visualizes to provide best possible tourist facilities at the various heritage sites across the country. The administrative head of the ministry is the secretary for tourism who also acts as the Directorate General tourism. It has twenty offices within India and thirty offices overseas.

National Tourism Policy of 2002 mainly concentrated on speedy implementation of tourism project development of integrated tourism circuits along with the capacity building in the hospitality sector and new marketing strategies which are necessary to project our tourism capabilities. The main aim of this policy was to place tourism as a sector to strengthen the economic growth of the countries. The Ministry of Tourism also making efforts for the development in the quality of tourism infrastructure at tourist destinations and circuits.

As a way of marketing and promotion initiatives, the Government of India started number of measures like Incredible India Campaign in the year 2002, to promote India as an ultimate tourist destination on the world tourism map. It has made tremendous influence on tourists all over the world as it attracted tourists to the country. Another way of promoting tourism was through the slogan of Atithi Devo Bhavah which means the guest is like God. The main aim of this program which is conducted by the Government of India is to create awareness about the effect of tourism and sensitize people with regard to tourism structure and hospitality in our country. It also shows in what way we have to treat our tourists and visitors of India. Visit India 2009 campaign is launched by the Ministry of Tourism in association with World Travel and Tourism Council which also an initiative to welcome the visitors and tourists to India.

3.5 Legislations Relating to Tourism

There are laws regulating both the service providers as well as tourists on certain regulation, permission, promotion or imposing ban on commercial activities. Ronald mentioned about the seven basic concepts which creates and defines tourism. The



- a. Travel is a legal right-nobody can prevent any other person from travelling as he wishes.
- b. Reliable and safe transportation facility
- c. Safe, adequate, and proper accommodations for the travellers
- d. Accommodation to all tourists and travellers
- e. The cost of travel and accommodation must be reasonable one
- f. Proper regulation of the travel and tourism industry
- g. Adequate redressal mechanism in case of transgressions of rights.

The legislations formulated by the countries are of varied purposes. They can be classified in to various categories.

- a. Legislation for the protection of tourists
- b. For the control of borders like customs, visa regulations, foreign exchange regulations, immigration laws etc
- c. Legislation relating to maintain the quality of services
- d. Those related to protection of environment
- e. Legislation related to conservation of historical sites and monuments
- f. Legislation related to economic development
- g. Legislations determining the relationship of various aspects of the tourism industry etc.

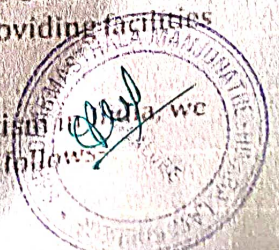
Along with these, few other areas are being added like tourist safety, health and hygiene, protection of privacy as well as various environmental legislations and regulations that have emerged over the years. There are also certain legislations on tourism enacted to check the negative impacts of tourism, protection of the interest of domestic population and so on.

In the Constitution of India tourism is not specifically mentioned anywhere but the Union list, state list and Concurrent list all have elements related to tourism. The concepts like emigration laws, aviation, shipping, highways, archaeological sites and monuments etc are the part of Union or Central List. Domestic pilgrimage, theatres, transportation etc appear in the State List. Other matters like protection of wild animals and birds, forests, etc. are the part of Concurrent List.

Mainly legislations like Passport (Entry into India) Act of 1920, Registration of Foreigners Act of 1939, The Foreigners Act of 1946 etc, must be made known to the tourists so that they can understand the procedures to be followed in India being a tourist to this land.

Legislation connected to tourism are framed by almost every state in India. The States like Himachal Pradesh, Jammu and Kashmir, Goa, Kerala, Karnataka etc have formulated their own state legislation for the purpose of tourism and they maintain and regulate through their own rules. Karnataka has The Karnataka Tourism Trade (Facilitation and Regulation) Act, 2015 to govern tourism in Karnataka. Even Karnataka Tourism Policy 2015-2020 also been launched by the Government which mainly focus on regulation of tourism along with providing facilities to the tourists as well as improving tourist sites in Karnataka as well.

To suggest few points to improve the relation between environment and tourism in India we can make certain changes and additions in the field of legislation. They are as follows:



- a. As there are no direct legislations applicable to tourism and environmental issues together, there is need to formulate the same which will address tourism and environmental aspects.
- b. Maintaining the cultural heritage and historical monuments and sites are the need of the hour. So, rules to safeguard them must be formulated.
- c. Legislation must be formulated to protect the interests of international tourists in relation to their safety and to maintain the standard of services. Because treatment what we give to the foreigners depicts the dignity of our nation.
- d. Rules must be framed to uphold sustainable tourism development, protecting the interests of the host population and economic benefits for the local population.
- e. Within the environmental limits' tourism should be planned and managed and natural and human resources must be utilised in sustainable way.
- f. In the planning, development and control of tourism local communities must be given with an opportunity along with indigenous people whenever planned by the Government.
- g. Sensitive and reserved areas must be marked separately even though they are attracting tourists so that we can maintain integrity of nation.
- h. Legislation must be formulated for the purpose of handling any criminal activity, offences, accident, or any other related issues involved with tourists.

4. Conclusion

It is the duty of every citizen to preserve environment and at the same time to contribute for the economic development of the country. Tourists must be respected and we have to provide them best hospitality too. But to preserve our rich heritage and culture is our utmost duty. Proper training must be given to the staff and other tourist guides who can direct the tourists in right way. All organisations, associations, agencies, institutions, individuals and companies should work by joining their hands with the Government for the improvement and to make tourism a flourishing industry in India.

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