



Proceedings of International Conference on
**Advanced Technologies and
Innovations in Tourism and
Hospitality Industry (ATITHI-2023)**

Editors

Dr. Shiv Mohan Verma

Dr. Indraneel Bose

Mr. Ankit Srivastava

9th & 10th December, 2023

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Bharti Publications
New Delhi- 110002 (INDIA)

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First Published, 2023
ISBN: 978-81-19757-70-1

Published by :

Bharti Publications

4819/24, 2nd Floor, Mathur Lane
Ansari Road, Darya Ganj, New Delhi-110002

Phone: 011-23247537

Mobile : +91-989-989-7381

E-mail : bhartipublications@gmail.com

info@bharatipublications.com

Website : www.bhartipublications.com

Printed in India, by: Sagar Color Scan, Delhi

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An Analysis of Tourism Relating Laws in India With Reference to Sustainable Development

Dr. Reena Bishnoi* & Ms. K. Usha Rani**

ABSTRACT

Tourism is rapidly growing sectors of the international services market and the tourism industry has tremendous potential to contribute to sustained growth. To achieve sustainable development, states must integrate, balance, or harmonize competing economic, environmental, and social interests and resources. Sustainable development is a guiding philosophy that seeks to advance human development goals while allowing natural systems to meet people's demands for basic natural resources and ecosystem services. Laws are to create a regulatory structure that allows for the orderly growth and administration of the tourism industry. Both cultural practices and natural resources should benefit from this. Important legal safeguards are also provided to both customers and travel agencies. However, there is a noticeable lack of implementation of tourism legislation worldwide. India's tourism industry is unregulated on a federal, state, or local level. The economic growth of a nation is greatly influenced by tourism. Numerous skilled and unskilled workers are employed in the tourism sector. It encourages intercultural understanding and global fraternity. Terrorism, travel, and pollution have a negative impact on Indian tourism. The preservation of the essential environment and the harmony of all variables is the cornerstone of sustainable tourism.

Keywords: Tourism, Sustainable Development, Sustainable Tourism, Environmental Responsibility.

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GENERAL CONCEPT

"The world is a book, and those who do not travel read only a page."

– Saint Augustine

Tourism are rapidly growing sectors of the international services market. Infrastructure catering to tourists needs expansion as both the global population and the market demand for travel increase. However, the legal systems of most nations do not provide the necessary planning and management tools to ensure that tourism growth is long-term and sustainable. New laws and policies must be drafted and put into effect if sustainable tourism is to become a reality. The results of climate change have made this already difficult endeavour even more so.² To create a sustainable tourism industry, new legislative procedures are required that mitigate and adapt to climate change. How to get through these roadblocks is the primary focus of tourism's international trade negotiations.

The tourism industry has tremendous potential to contribute to sustained growth. To achieve sustainable development, states must integrate, balance, or harmonise competing economic, environmental, and social interests and resources. These concerns are cornerstones of the sustainable development approach. But climate change is a threat to sustainable development, and the imbalance between economic, environmental, and social sustainability is another obstacle. Because of this, sustainable development, climate change, and the tourism industry's three pillars must all be considered at the outset of the industry's growth.

LEGAL FRAMEWORK OF TOURISM IN INDIA

Although there are laws and policies that are related to tourism, there is no single law in India that regulates it. These can be divided into four categories:

CONSTITUTION OF INDIA

The Indian Constitution, which serves as the country's fundamental law, has guarantees for the protection of each and every Indian citizen. Article 48A and 51A, to the Indian Constitution, stating that the government must work to preserve the nation's forests and wildlife as well as to protect the environment

In case of **Narmada Bachao Andolan v. Union of India**³ observed that "Sustainable Development means what type or extent of development can take place, which can be sustained by nature or ecology with or without mitigation"

The Indian Constitution not only establishes the framework and primary duties of the State's governing bodies and defines the guiding principles guiding their activities, it also has a specific legal sanctity. The case of **Vellore Citizen Welfare Forum v. Union of India**⁴ established the theory of sustainable

1 Ecotourism: principles, practise & policies for sustainability⁷ (2002)

2 National Academy of Sciences (NAS), Understanding and Responding to Climate Change: Highlights of National Academies Report 2 (2008)

3 AIR 2000 SC 3751

4 AIR 1996(5) SC

development in India. In this instance, it was determined that sustainability is based on the precautionary principle and the polluter pays principle.

ENVIRONMENT RELATED LAWS

- a) **The Water (Prevention and Control of Pollution) Act, 1974:** The Preamble of the Act states, "Act to provide for the prevention and control of water pollution and the maintenance or restoration of the wholesomeness of water, for the establishment, with a view to carrying out the foregoing purposes, of Boards for the prevention and control of water pollution, for conferring on and assigning to such Boards powers and functions relating thereto, and for matters connected therewith."
- b) **The Forest Conservation Act, 1980:** It was passed to stop deforestation. The Act prohibits forest destruction and non-forest usage without Central Government clearance.
- c) **The Air (Prevention and Control of Pollution) Act, 1981:** The Act's lengthy title outlines its goals: "An Act to provide for the prevention, control, and abatement of air pollution."
- d) **The Environment Protection Act, 1986:** Following the Bhopal tragedy, the Indian government passed the Environment Protection Act of 1986 in accordance with Article 253 of the Constitution. It deals with the protection and enhancement of the human environment as well as the elimination of risks to people, other living things, plants, and property.
- e) **The Wild life (Protection) Act, 1972:** The law was passed to ensure the safety of native flora and fauna. Unless otherwise noted in the schedules, the act forbids hunting of the listed species. The Act also makes it illegal to remove any plant from a forest by picking it, uprooting it, harming it, destroying it, etc.

GENERAL TOURISM RELATED LAWS

- a) **The Antiquities and Art Treasures Act, 1972:** The Act protects and preserves them. "Antiquity" is broad. It comprises coins, sculptures, paintings, and other 100-year-old art and craftsmanship. The law regulates antiquities and art trading rather than outlawing it. Antiquities sellers need licences. The Rules govern the issuance of a licence to sell "antiquities" and the licensee's conditions.
- b) **The Customs Act, 1962:** The Customs Act of 1962 grants certain exemptions to foreign visitors to India in order to encourage the growth of the country's tourism industry.
- c) **The foreign Exchange Management Act, 1999:** The Foreign Exchange Management Act, 1999 (FEMA) is a law passed by the Parliament of India "to consolidate and amend the law relating to foreign exchange with the goal of making it easier for India to trade and pay with other countries and for the foreign exchange market to grow and stay stable."
- d) **The Foreigners Act, 1946:** The Central Legislative Assembly passed the Foreigners Act in 1946 to give the Indian government certain rights regarding foreigners in India.

- e) **The Ancient Monuments and Archaeological sites and remain Act, 1958:** This Act establishes guidelines for archaeological activities in India and for the protection of national significance archaeological sites, remains, and ancient and historical monuments. Ancient monuments, archaeological sites, etc., may be designated as being of national interest by the central government.
- f) **The Ancient Monuments Preservations Act, 1904:** The Act's goal is to make provisions for the preservation of historical sites and other objects with archaeological, historical, or artistic value.

SUSTAINABLE TOURISM

The World Commission on Environment and Development defines sustainability as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs". Sustainable development is clearly relevant to tourism. Tourism relies heavily on natural habitats, yet it can also damage them. Thus, sustainable tourism is needed. Tourism growth is best managed within resource conservation restrictions. Thus, ecotourism must,

- A. Make sure that renewable resources aren't used up faster than they can be replaced by nature,
- B. Keep biological diversity, and
- C. Notice and appreciate the beauty of surroundings.
- D. Follow moral rules that show respect for local ways of life and beliefs.
- E. Involve and talk to local people about growth.
- F. Make sure that the economic costs and benefits of the activity are shared fairly between the people who make money from tourism and the people who host tourists.

The United Nations has identified 17 Sustainable Development Goals (SDGs) that aim to address global challenges and promote sustainable development by 2030. Tourism plays a significant role in achieving several of these goals. Here are some ways in which tourism is linked to the SDGs:⁵

SDG 1: No Poverty: Tourism can create job opportunities and contribute to poverty reduction, especially in local communities.

SDG 8: Decent Work and Economic Growth: Tourism is a significant economic driver, creating jobs and fostering economic growth, particularly in developing regions.

SDG 12: Responsible Consumption and Production: Sustainable tourism encourages responsible consumption and production by promoting eco-friendly practices and reducing environmental impacts.

SDG 13: Climate Action: Tourism industry stakeholders are encouraged to adopt sustainable practices to minimize their carbon footprint and mitigate climate change impacts.

5 <https://sdgs.un.org/goals>

SDG 14: Life Below Water: Sustainable tourism practices can help protect marine ecosystems and promote conservation efforts in coastal areas.

SDG 15: Life on Land: Tourism can support biodiversity conservation efforts, promoting the protection of natural habitats and wildlife.

CHARACTERISTICS OF SUSTAINABLE TOURISM

Many nations are turning to tourism as a profitable and expanding industry, which has prompted many to think about the qualities of sustainable tourism as a way to preserve local resources and heritage. It significantly boosts employment rates in locations with thriving tourism businesses while also bringing in more money for local economies. Although it has the potential to significantly boost national economies, tourism also has the potential to undermine several important aspects of those nations. Sustainable tourism is a concept that emphasises respect for local resources, culture, environment, and people in a way that is also advantageous for visitors.⁶

1. Rewards Development of the local economy

There are many different prospects for local job generation when tourism has a sustainable focus. To keep the economic momentum going and keep it inside the local geographic area, it also promotes local business and community reinvestment. It is not recommended to outsource work to international locations.

2. Makes certain that tourism development benefits the local community and the environment

It can be quite simple to completely exhaust a region's resources in order to accommodate the demand and expansion of tourism if important figures in that industry aren't diligent. In order to ensure that local resources and the community in which tourism thrives are not adversely affected, sustainable tourism practises must be followed when building, maintaining, and providing infrastructure and services related to tourist.

3. Has both viability and profitability

A sustainable tourism strategy must guarantee that the markets it serves are long-term viable and lucrative. The industry will have to leave if it merely seeks to maximise profits, leaving the local economy and community in ruins. Offering high-value, high-priced, but low-volume goods and services is the key to maximising both profit and long-term success.

4. Participates in the culture of the area

The fact that sustainable tourism does not impose its own culture and community as its own is one of its most crucial qualities. A destination's unique qualities and distinctive atmosphere shouldn't be diminished by the tourism industry. To keep the initial attractiveness to travellers, a delicate balance must be maintained in this endeavour.

⁶ <https://www.collegevaluesonline.com/lists/5-characteristics-sustainable-tourism/>

5. Invests Again in the Local Area

Reinvestment in the area is a crucial component of sustainable tourism since it allows for viability to be maintained in a way that benefits the neighbourhood. To address the expectations tourists lay on the area, money must be reinvested in the local infrastructure, natural resources, and schools.

PRINCIPLES OF SUSTAINABLE TOURISM

Today, there is a critical need for tourism to be planned and managed effectively, just like any other sector, due to the rise in visitor numbers. Tourism can only grow sustainably if it adheres to certain of its rules and values.

- Local support from the community should be used to launch tourism in any location. The participation of the local population aids in preserving the proper tourism development.
- The local community must receive the direct benefits of growth, and tourism helps locals prosper economically.
- Appointing codes of ethics and other fair rules is necessary for causing a significant increase in sustainable development.
- A training and education programme needs to be implemented in order to emphasise the value of heritage and natural resources and improve their management.

DIMENSION OF SUSTAINABLE TOURISM ⁷

Environmental, economic, and societal effects result from tourism. The goal of sustainable tourism is to reduce negative effects while maximising positive ones.

It appears that the social implications are a combination of both positive and negative environmental and economic repercussions. The environmental, economic, and social components of tourism all have clear connections to one another, which is also crucial to understand.

1. Environmental Dimension

For many, sustainability is all about protecting the environment, especially the natural, physical environment. The environment, however, consists of much more than just the natural terrain. Let's now examine the following five environmental factors:

- **Environmental Resources**

Natural resources such as clean air, land, mineral springs, and water in lakes and seas are frequently the main draw of a destination's product. Tourism utilises a variety of natural resources.

⁷ <https://www.yourarticlelibrary.com/ecotourism/sustainable-tourism/sustainable-tourism-concept-principles-and-strategies-ecotourism/69054>

- **The Environment, Natural**

There aren't many wilderness or natural landscape regions left in the globe. The actions of man over the ages have had some impact on almost all natural environments. One sector or activity that alters landscapes is tourism.

- **The Environment of Farms**

The term "farmed environment" can refer to a wide variety of agricultural systems, including fish farms, artificial forests, and agricultural landscapes.

- **Wildlife**

There are many different types of wildlife, including marine mammals, birds, insects, fish, and land-based mammals and reptiles. It is obvious that tourism has a negative impact on wildlife, as evidenced by the destruction of ecosystems, changes in feeding and breeding patterns, disturbance of breeding cycles, forest fires, and the collection of rare plants.

- **The Construction Setting**

The built environment has many different aspects related to tourism, including individual buildings and structures, communities and townscapes, transportation infrastructure, dams, and reservoirs.

2. Financial Dimension

The economic aspect of sustainable tourism is frequently given less consideration than the environmental concerns. Because: Tourism is an economic phenomenon.

- It generates significant revenue in foreign currencies.
- Tourism significantly contributes to a nation's economy by generating employment opportunities across various sectors.
- It serves as the foundation for the expansion of many multinational corporations.
- It makes up a considerable amount of the yearly disposable income.

In the case of Indian Council for **Enviro Legal Action v. Union of India**,⁸ it was determined that while economic progress shouldn't be impeded by ecological degradation, it also shouldn't be done at the expense of it. Economic and ecological development should be well-balanced to maintain both's efficacy.

3. Social Dimension

In discussions about sustainable tourism, the social impact of travel has received less consideration than its effects on the environment. This is due to the fact that the socio-cultural effects of tourism typically develop gradually and without much fanfare. In addition, they are mostly invisible and immaterial.

Usually, after changes have been made, it is difficult or impossible to undo the social effects of tourism. The host community has typically been the focus of analysis of the social effects of sustainable tourism.

The following variables affect whether the balance of socio-cultural impacts will be favourable or unfavourable in a specific location:

- the resilience and unity of local culture and society.
- the resort's tourism industry.
- the degree to which the local people has developed economically and socially in response to the tourists.

The destination's public sector took the necessary actions to manage tourism in a way that reduced the socio-cultural costs of tourism.

APPROACHES TO THE EVALUATION OF ENVIRONMENTAL IMPACTS AND SUSTAINABLE TOURISM

Sustainable tourism can be mapped, but measuring sustainable development is harder. This challenge highlighted alternate tourism environmental impact assessment methods. Those methods

The Concept of Carrying Capacity: The idea of a place's "carrying capacity" has been used for a long time to figure out how well it can handle tourists, and the idea of "sustainability" is built into this idea. Carrying ability can be seen in many different ways. As physical carrying capacity: In this case, it is seen as a measure of absolute room, like the number of parking spots in a lot.

- Before damage to the environment, the ecological potential of a place is used to measure the sustainability of its environment.
- As a tourist's perceptual capacity, which is the amount of crowding they can stand before they decide a place is too crowded and leave.

Where there are more people and cars, the environment can't handle or support them. By figuring out how many people each spot or place can hold. The activities of tourists should be planned well and controlled. Only then can the environment be kept in good shape for tourists (and future generations).

The Limits of Acceptable Change (LAC): The LAC was created in the US as a way to settle disputes over development in conservation areas. The formation of a shared list of requirements for a planned development is one of the approaches' main components.

- The participation of all stakeholders involved in the decision-making process.
- The prescription of all desirable circumstances and degrees of modification following development.
- Implementing agreed-upon techniques to keep the impact of change within the set bounds and establishing continual monitoring of change.

As a result, LAC exemplifies a number of important components of sustainable tourism development. Although it acknowledges that change is an inevitable byproduct of development, it makes the case that sustainable forms of development can be achieved by applying logical planning.

The case is *T.N. Godavarman Thirumulpad v. Union of India*⁹. The nation's most valuable asset is allegedly its natural resources. Resource conservation and responsible resource use are duties shared by all stakeholders, including the federal government and state governments. The right to a healthy existence, which is protected by Article 21 and must be respected, may be violated by any damage to the environment. By virtue of the Constitution, the Supreme Court must uphold environmental protection.

Environmental Impact Assessment (EIA): An environmental impact assessment evaluates the environmental, social, and economic impacts of a proposed project. It is becoming a popular tool for assessing the environmental impacts of all types of development. Four fundamental principles:

- Assessment should identify the project's proposed and induced activities.
- Assessment should identify environment factors that will be heavily assaulted.
- Assessment will determine initial and secondary effects.
- Assessment will offer management methods to minimise impacts and maximise project benefits.

SUSTAINABLE TOURISM IN PRACTICE

"Tourism that takes full account of its current and future economic, social, and environmental impacts, addressing the needs of visitors, the industry, the environment, and host communities" Sustainable tourism development and management rules apply to mass tourist and niche tourism in all destinations. Sustainable tourism development requires a balance between environmental, economic, and socio-cultural factors. Thus, sustainable tourism should:

- 1) Optimise the use of environmental resources, which are crucial to tourism development, preserving ecological processes and biodiversity.
- 2) Respect the socio-cultural authenticity of host communities, maintain their built and live cultural heritage and traditional values, and promote intercultural understanding and tolerance.
- 3) Ensure viable, long-term economic operations, offering socio-economic advantages to all stakeholders that are properly dispersed, including steady employment and income-earning possibilities, social services to host communities, and poverty alleviation.

Sustainable tourism development requires educated participation from all stakeholders and strong political leadership to build agreement. Sustainable tourism involves continual impact assessment and preventive and corrective action. Sustainable tourism should also provide a meaningful experience to tourists, raise their understanding of sustainability challenges, and promote sustainable tourism practises.¹⁰

⁹ (2006). 1 SCC 1

¹⁰ Making Tourism More Sustainable - A Guide for Policy Makers, UNEP and UNWTO

NEED FOR RESPONSIBLE TOURISM INDUSTRY

Responsible tourism (RT) involves the "triple bottom-line" of economic¹¹, social¹², and environmental¹³ responsibility. Responsible tourism was first introduced in 1996, but the Cape Town Declaration of 2002 defined its goals and factors. All kinds of tourism should minimise economic, environmental, and social consequences. It boosts local economies and community well-being. It preserves biodiversity and natural and cultural treasures.

- The tourism industry is starting to make some progress.
- Reduce water, energy, and resource use, as well as enhance waste management, handling, and disposal by reorganising management and operations along environmental lines.
- Quicken the rollout of eco-friendly infrastructure in developing countries, such as desalination plants, water conservation systems, renewable energy infrastructure, and safe chemical management procedures.

ROLE OF GOVERNMENT

The system by which a State or community is governed is known as a government. A community or unit is governed by a group of people. Through traditions, institutions, and legal frameworks within a State, it formulates and executes public policy as well as exemplifies executive, political, and sovereign authority.¹⁴

- To promote the expansion of sustainable tourism, governments must take the initiative.
- Encourage national, regional, and local tourism planning organisations to include important social and environmental objectives.
- Create rules and guidelines that encourage programmes for smaller-scale tourism that are actively planned and controlled by regional communities.

CONCLUSION & SUGGESTIONS

The economic growth of a nation is greatly influenced by tourism. Numerous skilled and unskilled workers are employed in the tourism sector. It encourages intercultural understanding and global fraternity. India is a stunning country thanks to its romantic backwaters, hill towns, and scenery. The splendour of the nation is enhanced by historical landmarks, forts, etc. From all around the world, tourists flock to them. Hotels, travel agencies, and transportation

- 11 Being economically responsible entails thinking about how your purchases will affect the economies of both the originating and target regions. Is there economic justice in the process? Does anyone seem to be taking advantage of anyone else?
- 12 To be considered socially responsible, individuals and businesses must act morally and with consideration for broader societal, cultural, economic, and ecological concerns. Individuals, businesses, and governments can all benefit from a more socially responsible approach to growth, commerce, and society at large.
- 13 An in-depth analysis of the standards that the environmental community has set for eco-friendly businesses.
- 14 <http://www.businessdictionary.com/definition/government.html#ixzz33SYVWIGH>

companies, especially airlines, gain a lot from this sector. Tourism encourages cross-national cooperation and understanding. The traditional handicrafts industry is also supported by tourism. The visitor gains insight into India's incredibly rich and varied cultural history. Indian culture is diverse. Art, religion, and philosophy coexist peacefully. The tourists are enthralled by India's numerous geographic regions. The environmental impact of tourism needs to be taught as early as possible. Whenever possible, students should be taken to tourist hotspots so that they can witness first-hand how tourism affects locals and businesses. All of the state's tourist hotspots need to have their maximum sustainable visitor capacity thoroughly assessed. Controls on the volume of tourist activities and the flow of tourists between places need to be planned for in order to mitigate any unintended consequences.

It's important for the tourism industry to adopt responsible and sustainable practices to ensure that the positive impacts of tourism align with the SDGs. This includes promoting community engagement, protecting cultural heritage, minimizing environmental impacts, and fostering inclusive growth. Additionally, travellers can contribute by making responsible choices and supporting businesses that prioritize sustainable practices.

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Mr. Ankit Srivastava is a dynamic personality having vast industrial experience in Food & Beverage Service department. He has worked in cruiseships as well as many five star hotels. He also represented India in Bar Competition organised in USA. He has completed his graduation in Hotel Management from U.P. Technical University, Lucknow and PG from Uttarakhand Open University. Currently, he is pursuing Ph.D in Hotel Management from SVSU, Meerut. He has organised many national and international conferences, seminars and value added courses.



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E-mail: bhartipublications@gmail.com, info@bhartipublications.com.

www.bhartipublications.com

ISBN 978-81-19757-70-1



9 788119 757701
Price- Rs. 1250/-