



# Environmental Laws Shaping the Tourism Industry in India

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## Abstract

India's tourism industry, renowned for its diverse cultural heritage and natural landscapes, faces increasing pressure to balance economic growth with environmental conservation. This paper explores the role of environmental laws in shaping the sustainable development of the tourism sector in India. Through a comprehensive review of relevant legislation, policies, and case studies, the research examines the impact of environmental regulations on tourism operations, infrastructure development, and visitor experiences. It analyzes key laws such as the Environment (Protection) Act, the Wildlife Protection Act, and coastal regulation guidelines, among others, and evaluates their effectiveness in preserving fragile ecosystems, biodiversity, and cultural heritage sites. Furthermore, the study investigates the implementation challenges and regulatory gaps that hinder the enforcement of environmental laws within the tourism sector, including issues of compliance, monitoring, and institutional capacity. Additionally, the paper highlights the role of governmental agencies, local communities, and industry stakeholders in promoting sustainable tourism practices and fostering environmental stewardship. By providing insights into the legal frameworks governing environmental conservation in India's tourism industry, this research contributes to efforts aimed at enhancing the sustainability and resilience of tourist destinations while safeguarding the country's natural and cultural resources for future generations.

**Keywords:** Tourism Industry, Natural Resources, Ecosystem, Tourism policy, Environmental Laws and conservation.

## Introduction

Tourism stands as a significant industry in India, drawing a substantial influx of visitors, yet it grapples with the absence of tailored legislation. While tourism has notably contributed to societal advancement by generating employment opportunities, its adverse effects on society and the environment cannot be overlooked. Instances of tourists wreaking havoc in tourist spots, environmental pollution, defacing monument walls, vandalizing public property, and tarnishing the reputation of their place of origin are observable. Contrary to modern times, historical records

reveal that travellers were not accorded unrestricted freedom; instead, they were met with suspicion, with periodic reports of their activities submitted to monarchs for scrutiny of any transgressions. Violators were subjected to punishment in accordance with the laws prevailing in their respective territories and kingdoms. Although punishments were typically meted out based on established principles and ethical considerations, severe transgressions were met with zero tolerance.

In the current context, tourist regulations are no different from those that apply in India's judiciary and legislation. There are several laws that impact or are related to tourism, both directly and indirectly. The rules governing tourism are diverse and may be split into two categories:

To begin with, there are broad regulations that apply to this business in unexpected ways due to its unique qualities, such as damages for disappointment.

Second, the industry-specific rules, ranging from historic common innkeepers and carriers doctrines to the maze of municipal, state, federal, and international regulations that presently regulate this business.

The Indian government has not enacted any tourism legislation or any central tourism legislation. However, in 2002, the National Tourism Policy was developed for the growth and promotion of the tourism industry, and it includes essential principles for protecting the interests of tourists and tourism companies. But, various Environmental Laws govern various aspects of tourism. They are as follows:

- The Indian Forest Act
- The Wildlife Protection Act
- The Forest Conservation Act
- The Air Prevention and Control of Pollution Act
- The water Prevention and Control of Pollution Act
- The Environment Protection Act
- The National Green Tribunal Act
- Indian Penal Code 1860
- Constitution Law of India 1950
- Coastal Zone Regulations, etc.

Presented in a Workshop on Tourism Legislation in India in January 1998, mentioned that:

“The emergence of tourism as an important activity has brought into focus the need for a harmonious relationship between the tourists and the providers of the tourist services. Several problems of tourists have their roots in the absence of any standard norms regulating the trade. Once the standards of quality of services are laid down and revised periodically as per market exigencies, everyone would be clear about whether in a particular case the services were deficient or not. This will lead to an overall improvement in the quality of services and minimisation of disputes between the tourists and the providers of services. The economic importance of tourism and the present stage of its development has also brought into sharper

focus the need for appropriate central legislation to coordinate and control the activities of the industries on professional lines and ensure observance of high ethical standards commensurate with the needs/demands of an international activity. This is especially so because global tourism is becoming highly competitive in the neighboring destinations/countries.”

## **Present Situation and Features of Tourism in India**

The Ministry of Tourism is the nodal agency for the development and promotion of tourism in India and maintains the "Incredible India" campaign.

According to World Travel and Tourism Council, India will be a tourism hotspot from 2009-2018, having the highest 10-year growth potential. As per the Travel and Tourism Competitiveness Report 2009 by the World Economic Forum, India is ranked 11th in the Asia Pacific region and 62nd overall, moving up three places on the list of the world's attractive destinations. It is ranked the 14th best tourist destination for its natural resources and 24th for its cultural resources, with many World Heritage Sites, both natural and cultural, rich fauna, and strong creative industries in the country. India also bagged 37th rank for its air transport network. The India travel and tourism industry ranked 5th in the long-term (10-year) growth and is expected to be the second largest employer in the world by 2019. The 2010 Commonwealth Games in Delhi are expected to significantly boost tourism in India further.

Moreover, India has been ranked the "best country brand for value-for-money" in the Country Brand Index (CBI) survey conducted by Future Brand, a leading global brand consultancy. India also claimed the second place in CBI's "best country brand for history", as well as appears among the top 5 in the best country brand for authenticity and art & culture, and the fourth best new country for business. India made it to the list of "rising stars" or the countries that are likely to become major tourist destinations in the next five years, led by the United Arab Emirates, China, and Vietnam.

**Tourist Attractions in India:** India is a country known for its lavish treatment to all visitors, no matter where they come from. Its visitor-friendly traditions, varied life styles and cultural heritage and colourful fairs and festivals held abiding attractions for the tourists. The other attractions include beautiful beaches, forests and wild life and landscapes for eco-tourism; snow, river and mountain peaks for adventure tourism; technological parks and science museums for science tourism; centres of pilgrimage for spiritual tourism; heritage, trains and hotels for heritage tourism. Yoga, ayurveda and natural health resorts and hill stations also attract tourists.

The Indian handicrafts particularly, jewellery, carpets, leather goods, ivory and brass work are the main shopping items of foreign tourists. It is estimated through survey that nearly forty per cent of the tourist expenditure on shopping is spent on such items.

Despite the economic slowdown, medical tourism in India is the fastest growing segment of tourism industry, according to the market research report “Booming Medical Tourism in India”. The report adds that India offers a great potential in the medical tourism industry. Factors such as low cost, scale and range of treatments provided in the country add to its attractiveness as a medical tourism destination.

**Initiatives to Boost Tourism:** Some of the recent initiatives taken by the Government to boost tourism include grant of export house status to the tourism sector and incentives for promoting private investment in the form of Income Tax exemptions, interest subsidy and reduced import duty. The hotel and tourism-related industry has been declared a high priority industry for foreign investment which entails automatic approval of direct investment up to 51 per cent of foreign equity and allowing 100 per cent non-resident Indian investment and simplifying rules regarding the grant of approval to travel agents, tour operators and tourist transport operators.

The first-ever Indian Tourism Day was celebrated on January 25, 1998. The Year 1999 was celebrated as Explore India Millennium Year by presenting a spectacular tableau on the cultural heritage of India at the Republic Day Parade and organising India Tourism Expo in New Delhi and Khajuraho. Moreover, the campaign 'Visit India Year 2009' was launched at the International Tourism Exchange in Berlin, aimed to project India as an attractive destination for holidaymakers. The government joined hands with leading airlines, hoteliers, holiday resorts and tour operators, and offered them a wide range of incentives and bonuses during the period between April and December, 2009.

**Future Prospects:** According to the latest Tourism Satellite Accounting (TSA) research, released by the World Travel and Tourism Council (WTTC) and its strategic partner Oxford Economics in March 2009:

The demand for travel and tourism in India is expected to grow by 8.2 per cent between 2010 and 2019 and will place India at the third position in the world.

India's travel and tourism sector is expected to be the second largest employer in the world, employing 40,037,000 by 2019.

Capital investment in India's travel and tourism sector is expected to grow at 8.8 per cent between 2010 and 2019.

The report forecasts India to get capital investment worth US\$ 94.5 billion in the travel and tourism sector in 2019.

India is projected to become the fifth fastest growing business travel destination from 2010-2019 with an estimated real growth rate of 7.6 per cent.

**Constraints:** The major constraint in the development of tourism in India is the non-availability of adequate infrastructure including adequate air seat capacity, accessibility to tourist destinations, accommodation and trained manpower in sufficient number.

Poor visitor experience, particularly, due to inadequate infrastructural facilities, poor hygienic conditions and incidents of touting and harassment of tourists in some places are factors that contribute to poor visitor experience.

## **Environmental Impact of Tourism in India**

The tourism industry in India can have several positive and negative impact on the environment which are discuss below.

## **Positive Impacts**

### **1. Direct Financial Contributions**

Tourism can contribute directly to the conservation of sensitive areas and habitat. Revenue from park-entrance fees and similar sources can be allocated specifically to pay for the protection and management of environmentally sensitive areas. Special fees for park operations or conservation activities can be collected from tourists or tour operators.

### **2. Contributions to Government Revenues**

The Indian government through the tourism department also collect money in more far-reaching and indirect ways that are not linked to specific parks or conservation areas. User fees, income taxes, taxes on sales or rental of recreation equipment, and license fees for activities such as rafting and fishing can provide governments with the funds needed to manage natural resources. Such funds can be used for overall conservation programs and activities, such as park ranger salaries and park maintenance.

### **3. Improved Environmental Management and Planning**

Sound environmental management of tourism facilities and especially hotels can increase the benefits to natural environment. By planning early for tourism development, damaging and expensive mistakes can be prevented, avoiding the gradual deterioration of environmental assets significant to tourism. The development of tourism has moved the Indian government towards this direction leading to improved environmental management.

### **4. Raising Environmental Awareness**

Tourism has the potential to increase public appreciation of the environment and to spread awareness of environmental problems when it brings people into closer contact with nature and the environment. This confrontation heightens awareness of the value of nature among the community and lead to environmentally conscious behavior and activities to preserve the environment.

### **5. Protection and Preservation of Environment**

Tourism can significantly contribute to environmental protection, conservation and restoration of biological diversity and sustainable use of natural resources. Because of their attractiveness, pristine sites and natural areas are identified as valuable and the need to keep the attraction alive can lead to creation of national parks and wildlife parks.

In India, new laws and regulations have been enacted to preserve the forest and to protect native species. The coral reefs around the coastal areas and the marine life that depend on them for survival are also protected.

## Negative Impacts

**1. Depletion of Natural Resources:** Tourism development can put pressure on natural resources when it increases consumption in areas where resources are already scarce.

**(i) Water resources:** Water, especially fresh water, is one of the most critical natural resources. The tourism industry generally overuses water resources for hotels, swimming pools, golf courses and personal use of water by tourists. This can result in water shortages and degradation of water supplies, as well as generating a greater volume of waste water. ([www.gdrc.org/uem/eco-tour/envi/index.html](http://www.gdrc.org/uem/eco-tour/envi/index.html)). In dryer regions like Rajasthan, the issue of water scarcity is of particular concern.

**(ii) Local resources:** Tourism can create great pressure on local resources like energy, food, and other raw materials that may already be in short supply. Greater extraction and transport of these resources exacerbate the physical impacts associated with their exploitation. Because of the seasonal character of the industry, many destinations have ten times more inhabitants in the high season as in the low season. A high demand is placed upon these resources to meet the high expectations tourists often have (proper heating, hot water, etc.).

**(iii) Land degradation:** Important land resources include minerals, fossil fuels, fertile soil, forests, wetland and wildlife. Increased construction of tourism and recreational facilities has increased the pressure on these resources and on scenic landscapes. Direct impact on natural resources, both renewable and nonrenewable, in the provision of tourist facilities is caused by the use of land for accommodation and other infrastructure provisions, and the use of building materials ([www.gdrc.org/uem/eco-tour/envi/index.html](http://www.gdrc.org/uem/eco-tour/envi/index.html))

Forests often suffer negative impacts of tourism in the form of deforestation caused by fuel wood collection and land clearing e.g. the trekking in the Himalayan region, Sikkim and Assam.

## 2. Pollution

Tourism can cause the same forms of pollution as any other industry: air emissions, noise, solid waste and littering, releases of sewage, oil and chemicals, even architectural/visual pollution ([www.gdrc.org/uem/eco-tour/envi/index.html](http://www.gdrc.org/uem/eco-tour/envi/index.html)).

**(i) Air and Noise Pollution:** Transport by air, road, and rail is continuously increasing in response to the rising number of tourist activities in India. Transport emissions and emissions from energy production and use are linked to acid rain, global warming and photochemical pollution. Air pollution from tourist transportation has impacts on the global level, especially from carbon dioxide (CO<sub>2</sub>) emissions related to transportation energy use. And it can contribute to severe local air pollution. Some of these impacts are quite specific to tourist activities where the sites are in remote areas like Ajanta and Ellora temples. For example, tour buses often leave their motors running for hours while the tourists go out for an excursion because they want to return to a comfortably air-conditioned bus.

Noise pollution from airplanes, cars, and buses, as well as recreational vehicles is an ever-growing problem of modern life. In addition to causing annoyance, stress, and even hearing loss

for humans, it causes distress to wildlife, especially in sensitive areas ([www.gdrc.org/uem/eco-tour/envi/index.html](http://www.gdrc.org/uem/eco-tour/envi/index.html)).

**(ii) Solid waste and littering:** In areas with high concentrations of tourist activities and appealing natural attractions, waste disposal is a serious problem and improper disposal can be a major despoiler of the natural environment - rivers, scenic areas, and roadsides.

In mountain areas of the Himalayas and Darjeeling, trekking tourists generate a great deal of waste. Tourists on expedition leave behind their garbage, oxygen cylinders and even camping equipment. Such practices degrade the environment particularly in remote areas because they have few garbage collection or disposal facilities ([www.gdrc.org/uem/eco-tour/envi/index.html](http://www.gdrc.org/uem/eco-tour/envi/index.html)).

**(iii) Sewage:** Construction of hotels, recreation and other facilities often leads to increased sewage pollution. Wastewater has polluted seas and lakes surrounding tourist attractions, damaging the flora and fauna. Sewage runoff causes serious damage to coral reefs because it stimulates the growth of algae, which cover the filter-feeding corals, hindering their ability to survive. Changes in salinity and siltation can have wide-ranging impacts on coastal environments. And sewage pollution can threaten the health of humans and animals. Examples of such pollution can be seen in the coastal states of Goa, Kerela, Maharashtra, Tamil Nadu, etc.

### 3. Destruction and Alteration of Ecosystem

An ecosystem is a geographic area including all the living organisms (people, plants, animals, and micro-organisms), their physical surroundings (such as soil, water, and air), and the natural cycles that sustain them. Attractive landscape sites, such as sandy beaches in Goa, Maharashtra, Kerela, Tamil Nadu; lakes, riversides, and mountain tops and slopes, are often transitional zones, characterized by species-rich ecosystems. The threats to and pressures on these ecosystems are often severe because such places are very attractive to both tourists and developers. Examples may be cited from Krushedei Island near Rameswaram. What was once called paradise for marine biologists has been abandoned due to massive destruction of coral and other marine life. Another area of concern which emerged at Jaisalmer is regarding the deterioration of the desert ecology due to increased tourist activities in the desert.

Moreover, habitat can be degraded by tourism leisure activities. For example, wildlife viewing can bring about stress for the animals and alter their natural behavior when tourists come too close. Safaris and wildlife watching activities have a degrading effect on habitat as they often are accompanied by the noise and commotion created by tourists.

## Conclusion

In conclusion, environmental laws play a crucial role in shaping the tourism industry in India, balancing the need for economic growth with the imperative of environmental conservation. The enforcement of environmental regulations ensures that tourist destinations are preserved for future generations, safeguarding natural resources, cultural heritage, and biodiversity. While

tourism has brought significant economic benefits to India, unchecked development has led to environmental degradation, pollution, and habitat destruction.

Environmental laws provide a framework for sustainable tourism development, guiding the responsible management of tourist activities and infrastructure. Through measures such as protected area designation, pollution control, waste management, and community engagement, these laws aim to minimize the negative impacts of tourism while maximizing its socio-economic benefits.

However, challenges remain in the effective implementation and enforcement of environmental laws in the tourism sector. Inadequate resources, capacity constraints, and conflicting interests often hinder regulatory compliance and monitoring efforts. Moreover, rapid urbanization, unplanned tourism development, and climate change pose additional threats to India's natural and cultural heritage.

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