

SUSTAINABLE TOURISM: THE INTERSECTION OF TOURISM INDUSTRY AND ENVIRONMENTAL LAWS

Ritika Srivastava*

ABSTRACT

Around the world, one of the sectors that is expanding its contribution to national GDP is tourism. The tourism industry helps in providing potential for commerce, employment, and investment. It also promotes economic growth at large and enhances the well-being of humans. The tourism industry has continued to grow, but the other side associated with this industry is that, due to it, environmental conditions have changed a lot. The more complex the tourism industry became in India, the more legislation, laws, and rules related to the environment and regulations related to the environment are required so that no damage could be caused intentionally or unintentionally or any loss to the environment could not get occur due to the growing tourism industry. This article analyses the function of environmental laws and legislation in the growth of the sustainable tourism industry in India.

Keywords: *Environment, Tourism Industry, Environmental Laws, Legislation, Sustainable Tourism.*

INTRODUCTION

As it is said, “*We do not inherit the earth from our ancestors, we borrow it from our children*”, which means we share the environment, and natural resources, same as that we share the tourist places, natural areas, and historical buildings with our future generation so it is to be of importance to sustainably conserve all the things so that needs of the present will not make a compromise of the need of the future. With the environment in which they live, humans change and evolve. Every contact between people and their surroundings has an effect on the environment, both favorably and unfavorably. As a result, a legal regulation aims to maintain a balance between people and the environment in which they live. Environmental law governs the structure of the environment as well as all the human-made things and circumstances that exist and have an impact on it. The importance of conserving the environment is rising in the

*BA LLB, FIRST YEAR, SYMBIOSIS INTERNATIONAL UNIVERSITY.

twenty-first century, not just in India but across the world. This is due to the growing recognition of environmental sustainability as a global responsibility. A sustainable environment is also in the best interests of everyone on the earth. The deterioration of the environment that takes place all around us and damages us also harms the global community as a whole. The government has put regulations in place to focus on environmental sustainability.

All over the world, the tourism industry growing a lot and continues to grow. There are two different sides to the growth of tourism that is positive and negative. Positive effects may include the preservation of natural places as well as historical and archaeological landmarks. Additionally, negative effects may appear as pollution, issues with waste management, ecological decline, natural catastrophes, and other issues relating to the environment. In India, the more tourism is developed, the more deliberate or inadvertent harm to the environment occurs. The harm results from the creation of tourism-related infrastructure that does not prioritize environmental sustainability, such as when roads are built to tourist attractions by displacing the environment without considering the long-term consequences of these acts.

It is necessary to strike a balance between environmental and development sustainability in order to prevent pollution and harm. The other sectors must not be harmed by the act of growing economic activity through the tourist industry. For ex- construction of tourist homestays or hotels should not be made on agricultural lands, food, and garbage should be dumped far away from residential or commercial sites. The making of balance between the development and the sustainability of the environment is called 'sustainable development.

WHAT ARE ENVIRONMENTAL LAWS?

Environmental law¹ refers to systematic and coordinated efforts made to protect environmental activities, such as the ban on polluting, the importation of hazardous and toxic items, the release of waste into the environment, and the burning of land for agricultural purposes. The frame of common law or statutes or regulations can be said as environmental law which governs how should people interact and live with their surrounding environment. Protecting or conserving the environment as well as instituting guidelines for how people can use natural resources are two major goals of this environmental law. In addition to deciding

¹ Leelakrishnan P, Environmental Law in India (2005)

who shall utilize or use natural resources and under which conditions, it also aims in safeguarding the environment from any kind of harm. Laws or legislation help in controlling sort of pollution, the use of natural resources, the preservation of forests, the mining of minerals, or the numbers of animals and fish. It is a field that is expanding with a wide range of work that covers concerns with air and water quality, pollution prevention, and the preservation of natural resources.

WHAT IS THE TOURISM INDUSTRY?

The tourism sector, commonly referred to as the tourism industry or travel industry, is associated with individuals traveling internationally or domestically for some sort of leisure or social, or business reasons. It has a tight relationship with the lodging, hospitality, as well as with transportation sectors. A large portion of it is focused on making certain that visitors or tourists are content, entertained, or furnished with what they require while they are away from their homes. The tourism industry, in its broadest sense, includes all the things that directly provide products or services to support this business, pleasure, as well as leisure travel away from their home environment to the new and beautiful environment where one wane to enjoy his/her tour. Thus, it can be inferred that the tourism industry and the environment are closely related to each other.

WHAT IS SUSTAINABLE TOURISM?

Specifically in relation to the environment, the economy, and communities, sustainable tourism may be described as a form of tourism that has greater beneficial impacts than negative ones. A place ought to grow better for residents as well as tourists if tourism is really responsible, sustainable, and environmentally friendly.

DEVELOPMENT OF TOURISM TO THE ENVIRONMENT²:

As tourism can be defined as a wide range of tourism activities that are fostered by numerous services or facilities provided by the communities, entrepreneurs, the government, and local governments.

² Laws E, "Tourism Management, Managing for Change" (2005) 26 Tourism Management 118
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Tourism refers to the temporary and short-time movement of people to their destinations from where they normally live and work. From there, tourism has been shown to enhance economic growth through numerous options such as investment opportunities, job opportunities, company opportunities, and community prosperity. Tourism also causes challenges in social life, culture, and environmental conservation. Tourism activities can help to fund environmental protection programs. It should be remembered, however, that activities can also contribute to environmental degradation.

AFFECT OF THE ENVIRONMENTAL LAWS ON THE TOURISM:

The legislation particularly regulates how environmental protection rules are managed.

In order to maximize the benefits of tourism to the stakeholders and minimize the unfavorable or negative effects, costs, as well as other effects in the development with the socio-cultural and environmental financial aspects that do rely on justice not solely for the present generation but also for the future generations, tourism laws are an effort to provide certainty for the tourist's community related in with the tourism development.

When creating or building a tourist industry in India, environmental sustainability should be a top priority. Regulations must be in place to control tourism to prevent environmental harm since environmental sustainability is crucial for all humans today and in the future.

Various national and state-level rules and regulations, as well as local ordinances, control tourism and environmental legislation in India.

THE WILDLIFE PROTECTION ACT OF 1972:

It had a big influence on Indian tourism, especially when it came to wildlife tourism. The legislation controls wildlife trafficking, hunting, and poaching while also providing for the preservation of wild creatures and flora. Additionally, it allows for the development of protected areas, national parks, and animal sanctuaries. The act's encouragement of wildlife tourism in India has been one of its key impacts on the industry. National parks and wildlife protections are now well-liked tourist destinations that draw both domestic and foreign visitors. In India, this has resulted in the growth of a wildlife tourist sector that has boosted the local economy and given residents employment possibilities. This legislation provides for the preservation of wild animals and plants and governs the hunting, poaching, and trafficking of

wildlife. Additionally, it allows for the creation of protected areas, national parks, and animal sanctuaries. The act has also affected wildlife tourism in terms of regulation. In order to reduce how much tourism affects wildlife and their habitats, both tour operators and tourists must abide by rules and laws. This covers rules for how to behave near animals as well as limitations on the number of visitors, the use of automobiles and other equipment, and the number of visits overall.

In general, the Wildlife Protection Act of 1972 has benefited wildlife tourism in India by fostering the preservation of wildlife and their habitats and presenting job opportunities for nearby communities. To make sure that the sector is sustainable and does not damage the environment or the welfare of wildlife, it is crucial to maintain monitoring and regulating it.

THE FOREST CONSERVATION ACT OF 1980:

It had a huge effect on travel in India, especially ecotourism and nature-based travel. The legislation governs the conversion of forest land for non-forestry uses, such as the growth of tourism. This implies that any tourism-related project requiring the use of forest land must have prior government clearance and adhere to specific requirements.

The act's encouragement of ecotourism in India has been one of its significant impacts on the travel industry. Ecotourism is a type of sustainable travel that places an emphasis on protecting local people and natural resources. The law has promoted the creation of ecotourism initiatives that aim to have the least possible negative effects on forest ecosystems while also generating income for nearby people. This law controls the use of forest land for non-forest activities, such as the expansion of the tourism industry.

The legislation bans using forest land for "nonforest" purposes, which are any endeavors that do not promote forest protection and conservation. However, ecotourism is promoted under the guise that it promotes conservation and is thus permitted in forest regions. Even if this Act has the ability to regulate ecotourism, it is urgently necessary to confirm the assertion that sustainable tourism promotes conservation in the context of this Act's implementation.

The Forest Conservation Act of 1980 has generally had a mixed effect on Indian tourism. While encouraging the growth of environmentally conscious tourist practices, it has also presented regulatory difficulties for the expansion of the travel industry. To guarantee that tourism can

contribute to sustainable development without hurting the environment, it is crucial to establish a balance between conservation and development objectives.

ENVIRONMENT (PROTECTION) ACT, 1986:

By controlling the environmental effect of tourism-related activities, it had a huge impact on travel in India. By regulating activities that are likely to harm the environment, such as tourism-related activities, the act seeks to preserve and enhance the quality of the environment. The act's encouragement of sustainable tourism practices in India has been one of its key consequences on the industry. The law has pushed for the use of eco-friendly tourism methods that lessen the harm that travel does to the environment and support long-term growth. This includes actions to protect the environment, lessen pollution, and encourage local involvement in the growth of the tourist industry.

The legislation has moreover had a regulatory influence on the growth of tourism. Tourism-related projects must have environmental clearance from the government, which entails an evaluation of the project's possible environmental effects. For tourism projects, this may result in delays and added expenses, which may put off investors and developers. Overall, India's tourism has seen a mixed response to the Environment Protection Act of 1986. It has encouraged the adoption of environmentally friendly tourist practices that limit the harm that tourism does to the environment, but it has also raised regulatory difficulties for the growth of the tourism industry. To guarantee that tourism can support sustainable development without depleting the environment, it is crucial to find a balance between conservation and development objectives.

THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT OF 1981:

It has a big impact on tourism in India by regulating air pollution and its impact on the environment and public health. The act intends to prevent and regulate air pollution by controlling pollutant emissions from diverse sources such as industry, cars, and other activities. One of the primary benefits of the legislation on tourism has been the promotion of sustainable tourism practices in India. The act encouraged the adoption of sustainable tourism practices that reduce the negative impact of tourism on air quality and public health. This includes steps to minimize automotive emissions, improve public transit, and promote the use of renewable

energy sources. It influenced tourism in India positively by promoting sustainable tourist practices that reduce the negative impact of tourism on air quality and public health.

THE WATER (PREVENTION AND CONTROL OF POLLUTION ACT OF 1974:

It has a big impact on tourism in India by managing water pollution and its effects on the environment and public health. The act attempts to prevent and regulate water pollution by limiting the discharge of contaminants into water bodies such as rivers, lakes, and other water resources. One of the main implications of the legislation on tourism has been the promotion of sustainable tourism practices in India. The act has fostered the implementation of sustainable tourism practices that reduce the harmful effects of tourism on the quality of water and the environment. This involves initiatives to conserve water resources, limit waste output, and encourage sustainable water usage practices.

THE COASTAL REGULATION ZONE NOTIFICATION OF 2011:

It has had an enormous effect on Indian tourism, particularly around the coast. The act seeks to regulate coastal development activities in order to conserve the coastal environment, aquatic resources, and coastal populations' lives. The restriction of coastal development activities, especially tourism-related projects, has been one of the most significant effects of the Coastal Regulation Zone Act on tourism. Within the Coastal Regulation Zone, the act prohibits the construction of new tourism-related facilities such as hotels, resorts, and other tourist amenities. This has limited the possibilities for new tourism development in coastal areas while also making the expansion of current tourism facilities more difficult.

Nevertheless, the act also encourages eco-friendly tourism practices and the preservation of coastal ecosystems, which supports sustainable tourism practices in coastal areas. It also encourages public beach access and limits activities that may harm the coastal ecosystem, such as sand mining, dredging, and trash disposal. The Coastal Regulation Zone Act encouraged sustainable tourism practices while also protecting the coastal ecosystem. To ensure that tourism may contribute to sustainable development without damaging the environment and livelihoods of coastal communities, a balance between environmental conservation and development goals must be maintained.

THE BIOLOGICAL DIVERSITY ACT OF 2002

It has a tremendous impact on tourism in India by limiting access to biological resources and supporting biodiversity protection. The act strives to conserve biological variety, use its components responsibly, and provide for equitable distribution of benefits resulting from the use of biological resources. One of the most significant implications of the Biological Diversity Act on tourism has been the control of activities that may have an impact on biodiversity and its components. Tourism activities that entail the utilization of biological resources, such as wildlife, forests, and marine ecosystems, must seek licenses and follow rules to guarantee that they do not affect biodiversity. This has resulted in the creation of a regulatory framework that encourages biodiversity protection and sustainable tourist practices.

Simultaneously, the act has created chances for tourism growth, which encourages biodiversity conservation and benefits local populations. In several places in India, for example, ecotourism projects that promote biodiversity protection while benefiting local communities have been developed. Such projects allow visitors to experience biodiversity and local cultures while simultaneously helping conservation efforts and the livelihoods of local populations. As a whole, the Biological Diversity Act of 2002 has had a positive impact on tourism in India by supporting sustainable tourism practices that conserve biodiversity and help local populations.

CONCLUSION

The effect of environmental laws on India's tourist sector might be summarized as a mixed bag. On the one hand, these rules have helped to protect the nation's natural resources and cultural legacy, making it more appealing to visitors who are interested in ecotourism and sustainable travel. Moreover, these rules have assisted in preserving the water and air quality, which is crucial for tourists' health and safety. On the contrary hand, these laws have additionally given rise to several limitations and rules that have rendered it challenging for the tourism sector to run efficiently. Smaller travel businesses find it challenging to compete with bigger ones because of some of these restrictions' delays and cost increases. This has had a detrimental effect on the general growth and development of the tourist sector by concentrating power and resources in the hands of a select few major businesses. The safeguarding of India's natural resources and cultural legacy has benefited from environmental laws and legislation, but there have also been some unfavorable effects on the travel and tourism sector. In order to sustainably build and develop the tourist business, it is of the utmost importance to find an

appropriate balance between environmental protection and economic assistance. This may be accomplished by putting in place rules that promote eco-friendly tourist practices and aid in the expansion of small and medium-sized tourism firms while ensuring that all environmental laws are followed. In reality, the tourism sector is significantly impacted by environmental laws and legislation. Since they are extremely important for encouraging sustainable tourism and preserving the environment³, it is to be very important to abide by these laws and promote each and every individual to promote and preserve the environment as well as make sure to encourage sustainable tourism⁴.



³ Sussman RM, "Should Environmental Laws Be Integrated?" (1997) 15 Pace Environmental Law Review 57
<<http://dx.doi.org/10.58948/0738-6206.1335>>

⁴ Kaul H and Gupta S, "Sustainable Tourism in India" (2009) 1 Worldwide Hospitality and Tourism Themes 12
<<http://dx.doi.org/10.1108/17554210910949841>>