



SUSTAINABLE TOURISM AND FOREST CONSERVATION: A LEGAL STUDY

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ABSTRACT

As we all know, tourism has been progressing recently. It is seen as a powerful tool for economic growth, primarily in areas that face poverty and are rich in natural resources that can be enjoyed without harming the environment.¹ Nevertheless, tourism significantly affects nature and local communities by stressing fragile ecosystems and wildlife, which often disturbs them and creates challenges for local communities by racing for land and water.² In 2018, a study conducted in Nature Climate Change found that tourism is responsible for about 8% of the world's greenhouse gas emissions, which is relatively high compared to all the different sources of emissions globally. Therefore, there is a need for a more sustainable tourism model, and we need to make tourism eco-friendly today.³ Ecotourism means tourism, which is concentrated on travelling to natural areas for enjoyment and learning about the environment and local culture without harming the ecosystem to create jobs and economic benefits for the local communities that protect natural resources.⁴ However, it is also essential to make tourism sustainable. Sustainable tourism is intended to develop in the long term with the help of ecology to conserve resources and increase the value of local culture and traditions. Sustainable tourism also produces employment and income by removing the impact on the environment and local culture.⁵

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¹ Daniel A. Zacarias and Rafael Loyola, 'How Ecotourism Affects Human Communities' (2017) <https://www.researchgate.net/publication/319523768_How_Ecotourism_Affects_Human_Communities/citations> accessed 1 November 2024.

² Government of India Ministry of Tourism, 'National Strategy of Sustainable Tourism' (2021) <https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://tourism.gov.in/sites/default/files/202205/National%2520Strategy%2520for%2520Sustainable%2520tourism_0.pdf&ved=2ahUKewjimY88ceJAxUSs1YBHTT0JAAQFnoECCIQAQ&usq=AOvVaw0NuJufNrUw-NiVRay> accessed 1 November 2024.

³ Rhiannon Wardle, 'What is sustainable tourism and why is it important?' (Future Learn 21 October 2024) <<https://www.futurelearn.com/info/blog/what-is-sustainable-tourism>> accessed 1 November 2024.

⁴ Eco Tourism in India <<http://www.ecoindia.com/eco-tourism-in-india.html>> accessed 1 November 2024.

⁵ *ibid.*

Though sustainable tourism or ecotourism has many benefits, forest dwellers are still exploited by low wages for tourism industry employees. Locals are being displaced due to rising land values and the commodification of culture by turning traditional practices into tourist attractions or encouraging locals to change their way of life to cater to visitor expectations. Natural resources are devastated, especially in ecosystem areas, causing overcrowding, pollution, and excessive resource use, affecting both the ecosystem and the health of residents and tourists.⁶ In 2007, the Forest Rights Act (FRA) was introduced to the rights of communities that have lived in forests for generations, intending to give them control over forest lands and resources, prevent forced relocation, and enable them to conserve forests sustainably and in 2009 rule by the Ministry of Environment required that before forest lands are diverted for other uses, the rights of these communities must be recognized, for which 50% of the Gram Sabha must agree. Still, this rule is overlooked or weakened for projects like roads and mining.⁷

Nowadays, approval for forest land use comes before community rights are settled, which allows project developers to use forestland without properly addressing community rights. Compensation for forest diversion is done through reforestation in non-forest areas, sometimes involving the relocation of entire villages, either by consent or force.⁸ Thus, the focus on relocating communities instead of finding ways to co-exist is mainly about meeting climate goals. Still, it ignores the benefits of community-based conservation by restricting community involvement and putting pressure on communities to move out of protected areas despite the FRA's intent to protect their rights.⁹

REVIEW OF LITERATURE

Ram Krishna Manda et al. (2021)¹⁰ - advocates the importance of ecotourism in the state of Arunachal Pradesh due to its diverse landscapes and climates, ranging from tropical to

⁶ Daniel, 'Sustainable Tourism Benefits and Consequences' (Frontenac Arch Biosphere 20 December 2023) <<https://frontenacarchbiosphere.ca/sustainable-tourism-benefits/>> accessed 1 November 2024.

⁷ Meenal Tatpati, 'The Systematic Dismantling of India's Forest Rights Act Through the Amendments to the Forest Conservation Act' (Socio-Legal Review 23 September 2024) <<https://www.sociolegalreview.com/post/the-systematic-dismantling-of-india-s-forest-rights-act-through-the-amendments-to-the-forest-conserv>> accessed 1 November 2024.

⁸ *ibid.*

⁹ *ibid.*

¹⁰ Dr. Ram Krishna Mandal, Dr. Aneeb K Jose, Dr. Manoj P K, Dr. Nishikant Jha, Prof. Aparna Lalitkumar Patil, 'Eco-Tourism Industry In Arunachal Pradesh: An Empirical Study' (2021) 12 (6) Turkish Online Journal of Qualitative Inquiry

temperate, which support various wildlife and plant life and create a state economy as well as many jobs because there are many unemployed individuals. The tourism industry has the potential to provide them with jobs. Support from the state and center can help in tourism development so that there can be sufficient hotel accommodations, improved transportation, medical services, and communication facilities catering to multiple languages. Therefore, ecotourism can promote sustainable development, benefiting the environment and the economy. It can also bring about positive social and cultural changes in people's lives.

Sushmita Das (2011):¹¹ explains the issues surrounding ecotourism in India, especially regarding tiger reserves. Ecotourism means travelling to natural areas in a way that protects the environment and benefits local people with conservation and local development. The authors look at the Indian government's ecotourism policies as a sustainable development that is encouraged. Still, the policies are sometimes scattered and contradictory because of the environmental goals and local benefits. The author also advocates for the reviewing of current ecotourism policies regarding tiger reserves and emphasizes the need for clarity in how ecotourism is defined and practiced so that it can contribute to sustainable development rather than just serving market interests, for which it requires improved policies and practices related to ecotourism.

Biljana Macura et al. (2011):¹² Discuss the importance of local people's support in sustainably managing natural resources, especially forests, and understand the local needs, opinions, and involvement that should be prioritized for effective management. In India, forest management efforts over the last 20 years have included Joint Forest Management (JFM), which aimed to involve communities with mixed success; however, in recent times, the Forest Rights Act (2006) was introduced to give forest-dwelling communities legal rights to the land, although it's still being implemented. Its impact on people's attitudes toward forests is not yet fully understood. The author also discusses that the opinion of people towards reserved forests is

<https://www.researchgate.net/profile/Manoj-P-K/publication/353675748_Eco_Tourism_Industry_In_Arunachal_Pradesh_An_Empirical_Study/links/6109e8d31ca20f6f86fcc618/Eco-Tourism-Industry-In-Arunachal-Pradesh-An-Empirical-Study.pdf> accessed 1 November 2024.

¹¹ Sushmita Das, 'Ecotourism, sustainable development, and the Indian state' (2011) 46 (37) *Economic and Political Weekly*

<https://www.researchgate.net/profile/SuchismitaDas/publication/290044766_Das_Suchismita_Ecotourism_Sustainable_Development_and_the_Indian_state_Economic_and_Political_Weekly_4637_2011_60-67/links/572d236b08ae7441518e6c23/Das-Suchismita-Ecotourism-Sustaina> accessed 1 November 2024.

¹² Biljana Macura, Francisco Zorondo-Rodríguez, Mar Grau-Satorras, Kathryn Demps, Marie Laval, Claude A. Garcia, Victoria Reyes-García, 'Local Community Attitudes toward Forests Outside Protected Areas in India. Impact of Legal Awareness, Trust, and Participation' (2011) 16 (3) *Ecology and Society*
<<https://www.jstor.org/stable/26268928>> accessed 1 November 2024.

influenced by the policies, awareness of rights among local communities, and participation in forest management by the local communities, which are very important in understanding the Forest Rights Act and whether it truly meets the needs of low-income, forest-dependent people and what further impacts the policy may have.

Vishwa Ballabh, Kulbhushan Balooni, and Shibani Dave (2002):¹³ highlight that creating and maintaining institutions to manage forests is a complicated task in development work. The author examines the two case studies for example, Van Panchayats in Uttaranchal, which was formed by local people against government control over forests, and Forest Protection Committees in West Bengal, which is part of Joint Forest Management and was created to address severe forest damage and the conflicts between the government and local communities. The author also says that government departments like the Revenue and Forest Departments have taken more control over these community-led groups, reducing their effectiveness and weakening village panchayat's independence. Despite all these circumstances, village panchayats are generally better at protecting and managing forests than other systems, like government-controlled reserved forests.

Gustavo S. M. Andrade and Jonathan R. Rhodes (2012):¹⁴ explain that many protected areas. (PAs) use the old approach like Yellowstone National Park, which excludes local communities and hurts communities by disrupting their traditional ways of life and restricting their access to natural resources, creating conflict between park managers and nearby people. The author also points out that successful conservation strategies for protected areas must involve balancing environmental goals with socio-economic needs to encourage local communities to support these conservation efforts. Removing the local communities who depend on this land through generations can lead to anger against conservation goals, and the limitation in accessing the resource might temporarily protect biodiversity but fail in long-term goals. Therefore, to achieve long-term goals, the authorities of a protected area must involve local communities in management, provide education, and ensure clear, fair rules with enforced penalties. Including local communities in Protected areas can lead to a win-win situation

¹³ Vishwa Ballabh, Kulbhushan Balooni, and Shibani Dave, 'Why Local Resources Management Institutions Decline: A Comparative Analysis of Van (Forest) Panchayats and Forest Protection Committees in India' (2002) 30 (12) World Development <<https://www.sciencedirect.com/science/article/pii/S0305750X02001262>> accessed 1 November 2024

¹⁴ Gustavo S. M. Andrade and Jonathan R. Rhodes, 'Protected Areas and Local Communities: An Inevitable Partnership toward Successful Conservation Strategies?' (2012) 17 (4) Ecology and Society <<https://www.jstor.org/stable/26269207>> accessed 1 November 2024

because locals reduce the costs of patrolling and create the responsibility for conservation to protect both biodiversity and local livelihoods.

George Holmes (2013):¹⁵ points out whether the support of local people is essential for the success of protected areas. The author examines Whether local communities may oppose PAs and whether this opposition can cause PAs to fail. It specifically focuses on the power dynamics between PAs and local communities and how much influence each side has over the other. The author has cited the incident in the Dominican Republic where locals were unhappy with the PA policies and were not able to change them because of the fear of violence from the guards, limited access to political decision-makers, social connections with guards that make protests difficult, and difficulty in organizing as a group. Thus, these obstacles prevent local people from opposing policies. Instead of assuming that local support is always necessary, we should look at what empowers or limits local communities' ability to influence conservation while designing the conservation project; it is essential to consider the role of community power in conservation success.

Ursula Münster and Suma Vishnudas (2012):¹⁶ Look at the Forest Rights Act (FRA) 2006, applied in Wayanad, a region where the Adivasi communities struggle for land rights. The author says that when the Kerala government (2006-2011) tried to use the FRA to obtain forest land and fulfill promises of giving land to landless Adivasis, they hoped it would be a legal way to provide justice. Still, it was ineffective in achieving fair land distribution and did not bring the intended benefits to the Adivasis. Therefore, One Adivasi expressed frustration, saying they have been waiting long for the government to provide land, highlighting their ongoing struggles while living on the outskirts of a plantation.

Sagari R Ramdas (2009):¹⁷ describes that the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, was created to promote fairness in gender and environmental issues and to recognize the vital role that Adivasi women play in caring for forest areas. However, implementing the law in Andhra Pradesh shows that it has become more about bureaucracy than empowering people. The government's traditional, male-dominated

¹⁵ George Holmes, 'Exploring the Relationship Between Local Support and the Success of Protected Areas' (2013) 11(1) Conservation & Society <<https://www.jstor.org/stable/26393100>> accessed 1 November 2024.

¹⁶ Ursula Münster and Suma Vishnudas, 'In the Jungle of Law: Adivasi Rights and Implementation of Forest Rights Act in Kerala' (2012) 47 (19) Economic and Political Weekly <<https://www.jstor.org/stable/23214975>> accessed 1 November 2024

¹⁷ Sagari R Ramdas, 'Women, Forest spaces and the Law: Transgressing the Boundaries' (2009) 44(44) Economic and Political Weekly <<https://www.jstor.org/stable/25663735>> accessed 1 November 2024

perspective has led to full recognition of the land rights of both men and women who have been farming this land for many years. Instead of focusing on the needs of local communities, the government is more interested in profit and connecting to larger global markets through its forest development programs. As a result, women are often reduced to working as wage labourers on government-led plantation projects instead of using their traditional knowledge to care for the forests and improve their livelihoods.

Ashish Kothari et al. (2015):¹⁸ discuss varied resource use and development near the protected areas, smashing conservation efforts along with the life of the local communities and exploring how the protected areas managed these activities with conservation goals. The author also points out that the sustainable use of resources helps manage and protect these areas by including the people's shared values, clear roles, rights, and responsibilities, and ways to resolve conflict among those involved. The author also talks about the Integrated Conservation and Development Projects (ICDPs) that aim to combine conservation goals with the needs of local communities and various development projects that aim at enhancing the protected area itself; others serve different purposes, like supporting local communities or industries. However, these development projects can negatively impact conservation efforts. Therefore, careful legal, social, and management strategies are required to address these challenges.

Alison A. Ormsby and Shonil A. Bhagwat (2010)¹⁹- explain that sacred forests in India are preserved land due to their cultural or religious importance. The author looks at two places in India, i.e., the Western Ghats of the South and Meghalaya in the Northeast, known for their rich biodiversity. The author considered that the Sacred forests are not just culturally significant but also a haven for various plant species used for medicine in areas where human activities have changed. The author also discusses the threats to sacred forests, such as people wanting to cut down trees for wood, clear land for farming, or changes in how communities view and use these forests. Therefore, supporting the tradition of protecting sacred forests is imperative because it offers a way for communities to manage their natural resources and respect their cultural values.

¹⁸ Ashish Kothari, Rosie Cooney, Danny Hunter, Kathy MacKinnon, Eduard Müller, Fred Nelson, Krishna Oli, Sanjeeva Pandey, Tahir Rasheed, Lubomira Vavrova, Protected Area Governance and Management (ANU Press, Canberra 2015) <<https://www.jstor.org/stable/j.ctt1657v5d.32>> accessed 2 November 2024.

¹⁹ Alison A. Ormsby, Shonil A. Bhagwat, 'Sacred forests of India: a strong tradition of community-based natural resource management' (2010) 37 (3) Environmental Conservation, <<https://www.jstor.org/stable/44519986>> accessed 2 November 2024.

STATEMENT OF PROBLEM

The above literature review highlights that tourism has the potential to support both environmental conservation and the economic needs of forest-dependent communities in India by implementing ecotourism. Although this benefits local communities and the environment, it also deals with several complex challenges.²⁰ In states like Arunachal Pradesh, where ecotourism helps reduce unemployment, infrastructure development, and policy support are needed to enable sustainable tourism.²¹ India, ecotourism policies are often inconsistent with both conservation goals and local benefits because the local communities' traditional rights and participation in forest management, including in the Forest Rights Act (FRA) and Joint Forest Management (JFM) initiatives, are sometimes not fully recognized, which affect their ability to benefit from or contribute to ecotourism.²²

Protected areas (PAs) also reveal a tension between conservation and local livelihoods because traditional conservation approaches exclude local people, disrupt their way of life, and create outrage toward conservation efforts.²³ Conversely, successful ecotourism models require balancing environmental goals with community needs and empowering local people in decision-making.²⁴ Despite community-led conservation efforts like Van Panchayats, government control has sometimes undermined their effectiveness.²⁵

Sacred forests, which are culturally significant, face similar pressures from economic and developmental interests, highlighting the need for policies that respect conservation and local cultural values.²⁶ Thus, the study aims to address the gaps and conflicts in India's sustainable tourism and forest management policies by evaluating how sustainable tourism can be a tool for sustainable development that respects both biodiversity and the rights of forest-dwelling communities.

AIM OF THE PAPER

The paper aims to understand the role of sustainable tourism in forest conservation by examining the benefits and challenges that local communities encounter regarding

²⁰ Mandal (n 10).

²¹ Das (n 11).

²² Macura (n 12).

²³ Ballabh (n 13).

²⁴ Andrade (n 14).

²⁵ Holmes (n 15).

²⁶ Münster (n 16).

environmental conservation, cultural preservation, and economic benefits for local communities. The research also aims to analyze existing legal frameworks on forest conservation and sustainable tourism policies. The research also aims to understand the impact of traditional conservation approaches that exclude local communities in the protected areas. The research also aims to identify potential regulatory gaps and develop an understanding of sustainable tourism initiatives that respect ecological integrity and local populations' socio-economic well-being.

UNDERSTANDING SUSTAINABLE TOURISM AND ITS ROLE IN FOREST CONSERVATION

Introduction to Sustainable Tourism: Tourism is evolving so fast that it ignores the country's economic and financial crisis, with many developing countries boosting tourism to address these challenges.²⁷ Today, the tourism of Indian Himalayan Regions (IHR) has grown rapidly over the last few decades, providing various activities and resulting in one of the fastest-growing parts of India's economy.²⁸ However, the growth of the tourism sector was predicted to grow by an average of 7.9% per year between 2013 and 2023.²⁹ Sustainable tourism means sustainable practices in the tourism industry to acknowledge the impacts of tourism, both positive and negative, and aims to minimize the negative and maximize the positive ones.³⁰ The idea of sustainable tourism was inspired by the 1980s concept of sustainable development, defined by the United Nations (UN) in the Brundtland Report in 1987.³¹

The Earth Summit in Rio de Janeiro in 1992 created Agenda 21, an action plan for the 21st century, including tourism.³² In 1995, the first Sustainable Tourism Charter was made at the World Conference on Sustainable Tourism in Lanzarote, establishing an international framework. Similarly, in 2002, the Cape Town Declaration urged governments and

²⁷ Dina Rizio and Geremia Gios, 'A Sustainable Tourism Paradigm: Opportunities and Limits for Forest Landscape Planning' (2014) 6 (4) Sustainability <<https://www.mdpi.com/2071-1050/6/4/2379>> accessed 23 November 2024.

²⁸ Dr. Vikram Singh Gaur and Dr. Rajan Kotru, 'Report of Working Group II Sustainable Tourism in the Indian Himalayan Region' (NITI Aayog 2018) <https://www.researchgate.net/profile/Rajan-Kotru/publication/327744535_Sustainable_Tourism_in_the_Indian_Himalayan_Region/links/5ba1f891299bf13e603bd2d7/Sustainable-Tourism-in-the-Indian-Himalayan-Region.pdf> accessed 23 November 2024.

²⁹ Ibid.

³⁰ What is Sustainable tourism? 'Global Sustainable Tourism Council' <<https://www.gstcouncil.org/what-is-sustainable-tourism/>> accessed 23 November 2024.

³¹ A Practical Guide to Sustainable Tourism for Real Travelers and not just tourists, (Enel Green Power 16 February 2024) <<https://www.enelgreenpower.com/learning-hub/gigawhat/search-articles/articles/2024/02/sustainable-tourism>> accessed 23 November 2024.

³² Ibid

organizations to create clear guidelines for responsible tourism. As a result, in 2015, the UN recognized sustainable tourism as a part of the 2030 Agenda for Sustainable Development. Previously, in the last few decades, tourism was seen as a profitable occupation with no limitations, which the government welcomed because it did not require solid environmental regulations. However, international tourism led the government, businesses, and local communities to the exploitation of natural resources because they were free and unlimited, so there is a need to address these issues and ensure tourism can grow responsibly.³³

DEFINITION OF SUSTAINABLE TOURISM

According to the World Tourism Organization, sustainable tourism means development that prioritizes the needs of today's tourists and the places that they visit by making sure that future generations enjoy the same opportunities, with an intent to manage resources in a way that supports economic, social, and cultural needs and also protect the environment by preserving wildlife, and maintain a natural system that supports life on earth.³⁴ Tourism is welcomed because it brings benefits and opportunities, but it is also essential to understand that tourism is related to the environment and depends on each other. Because of this, we need to strengthen the positive connection between tourism and the environment to reduce poverty. According to Richards, sustainable tourism is the fastest-growing sector, and resources like accommodations, local populations, and the environment must be considered. According to Butler, Sustainable tourism is developed in a way that is made to last forever without harming the environment, and it should not negatively affect activities or processes in the area by ensuring the overall well-being of the community and environment.³⁵

PRINCIPLES OF SUSTAINABLE TOURISM

In the year 1991 concerning tourism, the Worldwide Fund for Natural (WWF) outlined the ten principles for sustainable tourism, which are as follows:

- Natural resources like water, energy, and culture should be used to protect the environment for long-run sustainable tourism.³⁶

³³ *ibid.*

³⁴ Sustainable tourism, (Tourism Notes) <https://tourismnotes.com/sustainable-tourism/#google_vignette> accessed 23 November 2024.

³⁵ *Ibid.*

³⁶ *Ibid.*

- To reduce over-consumption and waste to avoid long-term environmental damage and contribute to improving the quality of tourism.
- Maintain biodiversity by protecting nature's plants, animals, and ecosystems. This is important for sustainable tourism, which attracts visitors and supports local communities.
- Tourism should be included in national and local development plans by considering the needs of the environment, local communities, and the economy.
- Tourism should help develop local businesses and industries like farming, handicrafts, and services to grow by reducing the environmental cost of tourism, such as waste and pollution, to protect the local economies and preserve the environment.
- To involve local people in tourism activities by running businesses, sharing culture, or being guides to visitors, which benefits both the environment and the community.
- To develop a tourism business, communication with the local communities, organizations, and authorities must also occur, and they must understand each other's needs, making it easier for them to work.³⁷

These are the principles through which we can grow sustainable tourism and enhance its dimensions.

FOREST CONSERVATION

With the growing tourism, people have started to recognize the importance of forests due to their role in combating climate change, making forest conservation a top priority. However, forests are also essential for preserving life on earth-rich biodiversity.³⁸ Forest conservation can be understood as providing protection and caring for the forest for future generations. Forest conservation can be done by planting trees for the benefit of future generations and protecting the forest environment to maintain a balanced ecosystem. According to the UN Environment Program, forest conservation aims to protect forest and their habitats.³⁹ Forest conservation is important because it provides essential benefits like clean air, water, and stable climates. However, it is also about respecting the rights of local communities who have lived there for thousands of years.

³⁷ Ibid.

³⁸ Avely Pütsep, 'Complete Guide to Forest Conservation from Importance to Method' (Single Earth, 3 June 2022) <<https://www.single.earth/blog/forest-conservation-guide>> accessed 24 November 2024.

³⁹ Ibid.

ROLE OF SUSTAINABLE TOURISM ON FOREST CONSERVATION

India's rich biodiversity is home to 100 national parks, 18 biosphere reserves, and 573 wildlife sanctuaries for various ecosystems and wildlife.⁴⁰ India has always struggled to protect its wildlife, like the Bengal tiger and the one-horned rhino, because it faces threats of habitat loss, illegal hunting, and disputes between humans and wildlife. Despite all these circumstances, sustainable tourism supports forest conservation for the wildlife and ecosystem. Sustainable tourism in India means protecting wildlife for future generations and helping the local communities grow because tourism is responsible for caring for the animals and their natural homes.

Funding for wildlife conservation: The revenue earned through tourism helps support the Indian Forest Department Staff by collecting fees from park entrance fees, staying in local homestays, and being a guide to tourists on a wild safari. For example, money earned through safaris at Corbett National Park is used to pay the salaries of the staff who work to protect wildlife, which ensures that animals and their habitats are protected.

Restoration of Habitats: Tourists are more attracted to clean and healthy environments for which there is a need to restore and protect natural areas. The salient Valley National Park in the western Ghats encouraged sustainable tourism practices to ensure the ecosystem isn't disturbed and well preserved for wildlife and visitors.

Community Involvement: Involving the local community in tourism is significant because it helps the local economy grow. Local guides help people learn more about the area, empower local people, and promote cultural exchange. This process helps preserve traditional practices and benefits from tourism.

Social Awareness: Planned tourism helps tourists learn about the local environment and efforts made for protection. The information tourists learn from the local people creates awareness and encourages people to care about protecting nature.

⁴⁰ Earth Bridge Foundation, '8 ways ecotourism helps wildlife conservation in India' <<http://www.earthbrigadefoundation.org/en/wildlife-conservation/8-ways-ecotourism-helps-wildlife-conservation-in-india/>> accessed 24 November 2024.

Research Opportunities: Tourists often include researchers, wild photographers, and nature lovers who document their experiences in their journals, photos, and notes, which helps study animal behaviour and population trends to create better strategies for wildlife conservation.

Fostering Sustainable Tourism: Sustainable tourism helps protect the environment by encouraging tourists to stay in eco-friendly lodges, create low waste, and treat wildlife with care, which helps reduce harming animals and their shelters by keeping the environment healthy and peaceful.

Countering Pouching: Tourism inspires local people to help protect wildlife by reporting any ambiguous act to the authorities, making it difficult for poachers to accomplish illegal activities without recognition.

Promoting Sustainable Development: One of the advantages of sustainable tourism is that it provides local communities with a stable source of jobs and improves local facilities, which restricts villagers from harmful practices like poaching to make a living by supporting both people and wildlife. Thus, sustainable tourism provides a path to developing the economy by protecting the environment through sustainable practices, which can help tourism grow without harming nature.⁴¹

IMPACTS OF GOVERNMENTAL CONSERVATION APPROACHES IN PROTECTED AREAS ON LOCAL COMMUNITIES

Introduction: Protected areas are distinctive places that are legally preserved to conserve biodiversity. There are about 8,163 protected areas worldwide, covering 750 million hectares of land and ocean, or about 1.5% of the earth's surface.⁴² Protected areas are preserved for a long time to provide services like clean water, food, and cultural values essential for maintaining biodiversity, supporting human livelihoods, and managing matters like food and water security, public health, disaster risk, and climate change. For biodiversity conservation on the earth, the principle of protected areas is followed as a method of in-situ conservation, which means on-site conservation in their natural habitat, and ex-situ conservation, which means protecting and preserving species from their natural habitats.

⁴¹ Ibid.

⁴² P. Sujithra, E. Sobhana, K. Elango, G. Vijayalakshmi, and P. Arunkumar, 'Protected areas in biodiversity conservation of India: An overview' (2021) 1 Agriculture and Science Academy
<<https://www.aesacademy.org/books/bdcp-vol-1/BDCP-2021-04.pdf>> accessed 24 November 2024.

Types of Protected Areas -

The National Wildlife Information System established the National Wildlife Database Cell of the Wildlife Institute of India to gather information about the number of protected areas in the countries. There are 981 protected areas, including 104 National Parks, 566 Wildlife Sanctuaries, 97 Conservation Reserves, and 214 Community Reserves in India. These areas cover 1,71,921 square kilometers or about 5.03% of the country's land area.

National Parks: The state government can declare any area a national park if it has a special attraction due to its wildlife, plants, natural features, or ecological value to protect and support the wildlife and environment.⁴³ However, according to the National Wildlife Database report of August 2023, there are 106 National Parks.

Wildlife Sanctuaries: According to the National Wildlife Database report of August 2023, there are 570 Wildlife Sanctuaries. Using its power, the state government can declare any part of the reserved forest or territorial waters as a wildlife sanctuary for the protection of wildlife, plants, natural features, or ecological value, with a limited intervention of human activities in the sanctuaries.

Conservation Reserve: Conservation reserves and community reserves are protected areas that act as buffer zones between national parks, wildlife sanctuaries, and reserved forests in India, allowing animals to move between them. The Conservation reserves are fully owned by the government but may occasionally be used by communities for basic needs.

Community Reserve: In a community reserve, the land is owned by individuals or groups. The community reserve and conservation reserve were introduced under the Wildlife Protection Amendment Act 2002 to address the decline in protection around the protected areas due to private ownership and exploitation of resources.

The Biosphere Reserve: It is an area where land and coastal ecosystems are recognized under UNESCO's Man and Biosphere (MAB) Program, which started in 1971. However, sustainable development by combining local community efforts with scientific research is required to be part of the biosphere reserve.

⁴³ Ibid.

Buffer Zone: An area that protects the core zone, such as supporting wildlife and helping local communities without relocating them.

Tiger Reserve: It was created under Project Tiger, launched by the Indian government in 1973 to protect endangered tigers.⁴⁴

CONSERVATION APPROACHES IN INDIA AND ITS IMPACT ON LOCAL COMMUNITIES

The dispute between traditional communities and conservation institutions is more than cultural beliefs or symbols; it is about political and economic power dynamics.⁴⁵ However, to deal with the disputes, governments and conservation groups created protected areas, like national parks and reserves, which resulted in local people being displaced or restricted from using these Lands. This created a tussle between traditional ways of life and the modern conservation policies implemented by the state. In India, an area is considered a protected area based on scientific principles, focusing on demographic factors, creating a safe zone where wildlife is not disturbed, and valuing certain species, which often overlook the traditional practices and their way of living of the local communities which created disputes between conservation policies and local peoples.

In India, approximately 4.3 million people live in protected forest areas. The concept of protected areas was created during British Colonial rule as a game reserve for hunting and collecting timber; after the independence, the focus was shifted to conservation. However, the exploitation in history left a lasting impact. In the Sariska Tiger Reserve of Rajasthan, a natural ecosystem comprises eleven villages in its core area. However, reserve management creates a distinction between people and nature, which believes that human settlement and their activities, such as farming or hunting, are the main causes of damage to the forest and wildlife, overlooking the role of local communities living there for generations.

The policy of Keoladeo National Park in Rajasthan bans buffalo grazing, leading to an overgrowth of weeds that block the water bodies in the park, creating problems for the migratory birds, like geese and ducks, which are famous. The tribal group known as Chenchus,

⁴⁴ *ibid.*

⁴⁵ Maria Costanza Torri, 'Conservation approaches and development of local communities in India: debates, challenges, and future perspectives' 2011 (1) 5 International Journal of environmental sciences <<https://citeseerx.ist.psu.edu/document?repid=rep1&type=pdf&doi=e1a707a38343fdd08b8a7687e14a1d27c6c2c5d7>> accessed 24 November 2024.

which lived near Andhra Pradesh, faced difficulties when their land was declared a protected area. They lived in the Nallamalai hills near the Krishna Rivers, where they depended on hunting and gathering forest products like honey and medicinal plants. In the 1940s, around 40,000 hectares of land were set aside for tribal groups to enjoy their lives without problems. However, in 1979, in the name of the 'Save the Tiger' conservation program, the whole area was turned into a sanctuary, which restricted their movement in the core area and changed their living conditions. Worse because they were prohibited from using the resources on which they relied for survival. Thus, the action of the government to control natural resources in India becomes the reason for disputes with the local communities to defend the rights to use the forest resources because the administration of the protected areas restricts access to resources upon which the local communities have for generations, which creates concerns over their livelihood and cultural practices.

The Anti-Poaching Measure of the Kaziranga National Park in Assam created disputes between the forest department and local communities, which resulted in multiple deaths of innocent people.⁴⁶ There has been growing tension in Kaziranga National Park between protecting endangered species and the rights of local and Indigenous Communities. The incident where a seven-year-old tribal boy was shot and permanently injured in the park by the guard because they were ordered to shoot the intruder and are protected from prosecution.⁴⁷ Organisations like Survival International argue that conservation project violates the rights of local communities and Indigenous people. The expansion of Kaziranga National Park has resulted in the displacement of the villagers without proper legal procedure, resulting in death and violence.

In the year 2016, during the protest of an eviction diver in Banderdubi, two people were killed, and 19 people were injured in the incident.⁴⁸ This shows that land taken for environmental goals is in the expense of vulnerable communities, harming their lives and livelihoods.⁴⁹ Nevertheless, India's wildlife conservation policies have succeeded in decreasing the decline

⁴⁶ Eleonara Fanari, 'Indian conservation 'puts communities in peril' (Ecologist Informed by Nature 28 October 2020) <<https://theecologist.org/2020/oct/12/indian-conservation-putting-communities-peril>> accessed 24 November 2024.

⁴⁷ Bhaskar Vira and University of Cambridge, 'Are India's 'shoot on sight' wildlife guards doing more harm than good?' (Ecologist Informed by Nature 28 February 2017) <<https://theecologist.org/2017/feb/28/are-indias-shoot-sight-wildlife-guards-doing-more-harm-good>> accessed 24 November 2024.

⁴⁸ Sandeep Phukan, 'Kaziranga National Park Eviction Drive Turns Violent, 2 Killed' *NDTV* (Guwahati 21 September 2016) <<https://www.ndtv.com/guwahati-news/two-dead-as-eviction-drive-near-kaziranga-national-park-turns-violent-1460443>> accessed 24 November 2024.

⁴⁹ Vira (n 102).

in the wildlife population, which requires excluding communities from protected areas and depending on the management of trained officials.⁵⁰ Such policies have caused significant difficulties by outraging people from their land and creating distrust between local people and authorities. However, many protests have come up against these policies and their negative impacts on local communities.

INTERNATIONAL CONVENTION CONCERNING SUSTAINABLE TOURISM AND FOREST CONSERVATION

Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES):⁵¹ CITES was enacted to control the trade of endangered plants and animals in the year 1973. India signed the convention in July 1976 and ratified it in October 1976. The Director of Wildlife Preservation in India is accountable for supervising CITES management in India however the enforcement of CITES is done with the support of the Regional Deputy Directors, the Wild Life Crime Control Bureau, the Customs Authorities, and the State Forest Department.⁵² CITES, helps us to prevent the exploitation of medicinal plants, timber, tigers, elephants, and red sandalwood to maintain the ecological balance in the forest. However, CITES also promotes sustainable development by managing the need for natural resources without compromising future generations.

India is a member of CITES, which has opened doors for international cooperation and funding for conservation programs. For Example, the Monitoring of the Illegal Killing of Elephants program (MIKE) supports India by monitoring and reducing illegal elephant poaching encouraging India to implement conservation policies, and contributing to sustainable development and forest conservation. Although CITES provides the legal framework for wildlife protection, the implementation factor at the ground level remains a challenge due to poor enforcement of laws, lack of resources, inadequate training, and corruption. The concept of CITES to exclude or restrict people in the protected areas may lead to disputes between the management and local communities.⁵³

⁵⁰ Ashish Kothari, 'Conserving Nature with Communities Lessons from Real Life Experiences in South Asia' (2nd World Conservation Congress of IUCN, Amman, October 2000)

<http://www.cbnrm.net/pdf/kothari_a_002.pdf> accessed 24 November 2024.

⁵¹ Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1st July 1975.

⁵² Ministry of Environment, Forest and Climate Change, 'International Convention'

<<https://moef.gov.in/international-conventions>> accessed 1 December 2024.

⁵³ *ibid.*

World Heritage Convention:⁵⁴ The World Heritage Convention (WHC), was adopted by UNESCO in 1972, to identify, protect, and conserve the cultural and natural heritage of outstanding universal value (OUV).⁵⁵ The WHC stimulates sustainable tourism by prioritizing the protection of heritage sites from destruction due to unregulated tourism because it attracts national and international tourists which results in the economic development of the local communities. The WHC encourages the involvement of local communities in managing and benefiting tourism because it helps in the promotion of local crafts in the region surrounded by world heritage to support sustainable livelihoods. Despite, prioritizing local communities' involvement for economic growth, benefits are not distributed equally because of the large tourism industry, leaving a smaller scope for community-driven initiatives. However, the framework for Sustainable tourism is not work given by the WHC because of inadequate funding, lack of skilled personnel, and weak enforcement guidelines.

Convention on The Conservation of Migratory Species of Wild Animals (CMS):⁵⁶ The CMS is also known as the Bonn Convention, which was adopted in the year 1979 under the United Nations Environment Programme (UNEP) to ensure the conservation and sustainable management of migratory species in India.⁵⁷ India adopted the convention in the year 1983 with the commitment to protect migratory species and ensure sustainable tourism in the protection of migratory species and their habitats. The CMS protects migratory species such as Siberian Cranes, Dugongs, and Raptors as well as habitats like wetlands, coasts, and forests. However, increased tourism in the coastal areas can lead to disturbance in the Habitats of migratory by facing overcrowding, and habitat degradation. Migratory Species often face threats due to the lack of understanding of the ecological importance and climate change leads to difficulty in survival.

International Union for Conservation of Nature and Natural Resources:⁵⁸ The IUCN focuses on conserving nature and ensuring the sustainable use of natural resources. The IUCN plays an important role in sustainable tourism because it links environmental conservation with

⁵⁴ The Convention Concerning the Protection of the World Cultural Natural Heritage (World Heritage Convention), 16 November 1972.

⁵⁵ Ministry of Environment, Forest and Climate Change (n 103).

⁵⁶ Convention on The Conservation of Migratory Species of Wild Animals (Bonn Convention) 1979.

⁵⁷ In Depth- Conservation of Migratory Species (Dristi IAS, 3 March 2020)

<<https://www.drishtiiias.com/loksabha-rajyasabha-discussions/in-depth-conservation-of-migratory-species>> accessed 1 November 2024.

⁵⁸ International Union for Conservation of Nature and Natural Resources, 5 October 1948.

tourism practices that benefit the ecosystem and local communities.⁵⁹ It encourages tourism by focusing on preserving biodiversity and developing strategies that minimize the environmental impact with the inclusion of local communities into conservation projects and economic benefits without exploiting natural resources. However, the protected areas, national parks, etc. face overcrowding which damages habitats and threatens biodiversity. The development of tourism infrastructure or roads leads to encroachment of areas leading to forced eviction of the local communities.

Convention on Biological Diversity (CBD):⁶⁰ The CBD aims to conserve biodiversity by promoting sustainable use and ensuring fair sharing of benefits earned from natural resources, and sustainable tourism because it minimizes environmental impact and benefits local communities.⁶¹ The CBD focuses on the conservation of biodiversity and protected areas which encourages for involvement of Indigenous and local communities in sustainable tourism for equitable benefit-sharing to reduce conflicts between management and local communities. However, the CBD's aim cannot be fulfilled due to the overcrowding of tourism in protected areas, which leads to the exploitation of natural resources. The lack of adequate enforcement mechanisms leads tourism enterprises to not comply with sustainable practices leading to the destruction of biodiversity.

LEGAL FRAMEWORK GOVERNING SUSTAINABLE TOURISM AND FOREST CONSERVATION IN INDIA

Introduction: India's varied landscape, cultures, rich flora, and fauna encourage tourists to travel to natural areas. Tourism is one of the fastest-growing industries and is becoming an essential part of the economy.⁶² The effects of growing tourism can be seen in the trade, creation of jobs, infrastructure development, and promotion of social equality. Tourism plays an important role, directly or indirectly, in achieving sustainable development goals by supporting livelihoods, protecting the environment, and promoting cultural exchange.⁶³

⁵⁹ International Conventions, treaties, and Institutions India as Partner, Indian Forest Service 123-125 <<https://ifs.nic.in/Dynamic/book/page8.pdf>> accessed 1 November 2024.

⁶⁰ Convention on Biological Diversity, 29 December 1993.

⁶¹ Analysis of the decisions of the Convention on Biological Diversity (Friends of the Earth International, 8 September 2021) <<https://www.foei.org/publication/analysis-of-the-decisions-of-the-convention-on-biological-diversity/>> accessed 1 November 2024.

⁶² Ministry of Tourism, 'National Strategy for Sustainable Tourism' (Government of India, 29 April 2022) <https://tourism.gov.in/sites/default/files/202205/National%20Strategy%20for%20Sustainable%20tourism_0.pdf> accessed 27 November 2024.

⁶³ *ibid.*

However, the COVID-19 pandemic has majorly slowed down tourism, allowing sustainable rebuilding tourism, not just focusing on profits but supporting communities, preserving nature, and aligning with sustainable goals.

The Ministry of Tourism of India has developed the National Strategy for Sustainable Tourism, which provides strategic pillars for the development of sustainable tourism, such as Promoting environmental sustainability, economic sustainability, socio-cultural sustainability, protecting biodiversity, certification of sustainable tourism, IEC and capacity building, and governance. The government of India has also launched the Travel for Life Initiative, intending to promote sustainable tourism in India by encouraging tourists and the business sector to adopt eco-friendly practices and use tourism resources responsibly. The Ministry of Tourism has also updated the Swadesh Darshan Scheme to Swadesh Darshan 2.0 with the vision of developing tourism destinations sustainably and responsibly, focusing on the needs of tourists and destinations. However, through the efforts, the government of India tries to ensure that tourism boosts the economy, protects the environment, and benefits local communities, creating a balance between growth and sustainability.

Legal Framework Governing Forest Conservation: Tourism includes various activities, which the services and facilities of the local communities provide. Tourism refers to people travelling from their usual place of living and work to different destinations, which boosts economic growth by creating jobs and community development.⁶⁴ However, tourism also impacts social life, culture, and the environment for which laws and rules are applied to ensure that tourism benefits everyone with minimum negative impacts. These laws aim to balance social, cultural, environmental, and economic aspects of tourism development for both current and future generations. In India, along with tourism development, it is also necessary to maintain environmental sustainability with proper regulations and preventive measures as sustainability; therefore, to govern tourism and environmental regulations, there are various laws at the national and state level to ensure sustainable tourism development.

The Wildlife Protection Act of 1972 aims to protect the various species of wild animals and plants and prohibits hunting, poaching, and products made from them. The Act⁶⁵ Encourages the creation of protected areas, national parks, animal sanctuaries, and popular tourist

⁶⁴ Himani Kaul and Shivangi Gupta, 'Sustainable Tourism In India' (2009) 1 (1) Worldwide Hospitality and Tourism Themes <<https://doi.org/10.1108/17554210910949841>> accessed 27 November 2024.

⁶⁵ Wildlife Protection Act of 1972.

destinations by attracting local and international visitors. According to Section 28 of the Act, the Chief Wildlife Warden has the power to grant permits for entry into wildlife sanctuaries or national parks for tourism, but only with conditions that do not harm wildlife or their habitats. However, the discretionary power of the Chief Wildlife Warden can lead to inconsistent application of permit conditions, which may lead to over-tourism disrupting wildlife and ecosystems. Thus, the Act does not provide any provision that deals with sustainable tourism.

Forest (Conservation) Act 1980: It governs forest land conservation for non-forestry activities. However, section 2 of the Act restricts the use of forest land for activities that do not support forest conservation but allow ecotourism because it promotes conservation and does not harm the forest ecosystem.⁶⁶ However, the main drawback of the Act was that it shifted the power to use reserved forest land from the state government to the central government. This created hardship for tribal communities that depended on the forest for their livelihood, which resulted in tribal people being involved in smuggling or poaching. The Act is also more focused on protecting the forest ecosystem rather than the rights of the tribal people who live there, and it fails to provide resources for their dignified lives.

Environment (Protection) Act, 1986: Section 3 of the Act provides rules to regulate environmental pollution. It focuses on reducing environmental damage caused by pollution. It encourages eco-friendly practices that protect the environment and promote long-term sustainability by promoting clean, responsible tourism and involving local communities in tourism development. However, the Act is stringent regarding getting approval and clearance for tourism projects. The Act indirectly encourages sustainable tourism, which tries to limit environmental harm and create challenges for the growth of the tourism industry.

The Air (Prevention and Control of Pollution) Act 1981: Section 19 of the Act for the Prevention and Control of Air Pollution states that the state government can declare any air pollution control area with the consultation of the State Board. The Act has greatly influenced tourism in India by addressing air pollution and its effect on the environment and public health. It intends to reduce air pollution by controlling emissions from industries, vehicles, and other sources. However, the Act has dramatically benefited tourism by encouraging sustainable tourism practices, such as lowering vehicle emissions, improving public transport systems,

⁶⁶ Forest Conservation Act 1980.

using renewable energy resources in tourism-related activities, and embedding eco-friendly practices that benefit tourists and local communities.

The Water (Prevention and Control of Pollution) Act 1974: Section 24 of the Act prohibits the use of streams or wells to dispose of polluting matter, etc.⁶⁷ The laws impact tourism by encouraging sustainable practices such as conserving water resources, reducing waste, and adopting sustainable water usage practices that protect the quality of the water and the environment, making tourist destinations cleaner and more appealing. The Act also supports eco-friendly tourism practices for tourists and local communities by ensuring environmental health.

The Biological Diversity Act 2002:⁶⁸ Section 3 of the Act restricts certain persons from undertaking Biodiversity-related activities without the approval of the National Authority. However, section 36 of the Act discusses the central government's development of national strategies and plans for the conservation, protection, and sustainable use of biological diversity. However, the Act focuses on tourism by protecting biodiversity and regulating access to natural resources to conserve biodiversity, use resources responsibly, and ensure fair sharing of benefits attained from them. It controls tourism activities like wildlife, forest, and marine ecosystems and provides guidelines to ensure it does not harm biodiversity and sustainable tourism practices. It also encourages conservation and benefits local communities.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006: Section 3 of the Act⁶⁹, discusses the Forest rights of forest-dwelling scheduled tribes and other forest dwellers because they provide the right to live in and use Forest resources for livelihood and support their role in conserving and managing forest areas to continue their way of life while contributing to forest conservation.

Section 5 of the Act provides duties for holders of forest rights. This means that the scheduled tribe and forest dwellers must protect the forest's wildlife and biodiversity and ensure that the forest dwellers' habitat, as well as cultural and natural heritage, is protected. Furthermore, the Gram Sabha can recommend the clearance certificate for any development projects.

⁶⁷ Water (Prevention and Control of Pollution) Act of 1974

⁶⁸ Biological Diversity Act of 2002.

⁶⁹ Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006.

Policies on Sustainable Tourism: In 2021, over 6.1 million foreign tourists visited India, resulting in \$8.79 billion in foreign exchange earnings. However, this was during the pandemic and seriously affected the tourism industry.⁷⁰ However, it is expected that by 2024, the Indian tourism sector will earn \$30 billion in foreign exchange earnings and 15 million foreign arrivals, contributing \$50 billion to the country's GDP. India's tourism sector is expected to grow at a rate of 7-9% annually. By 2030, it is expected to contribute \$ 250 billion to GDP, creating job opportunities in the tourism industry.

Thus, the government encouraged sustainable tourism by preserving popular tourist spots and wildlife-sensitive areas for future generations through its various policies -

The Ministry of Tourism drafted the National Strategy for Ecotourism to support ecotourism growth in India. The strategy focused on collaborating between central ministries, State Governments, Panchayati Raj Institutions, NGOs, and the Private Sector to develop ecotourism.

Draft National Tourism Policy 2022 recognizes tourism as an opportunity to grow. It focuses on sustainable and responsible growth, intending to make India a top destination for sustainable tourism by minimizing harmful effects. The policy aims to reduce the negative impacts of tourism on society, nature, and the economy and plans to contribute \$1 trillion to India's GDP by 2047.

The Travel for Life Campaign was inaugurated by the Ministry of Tourism in association with CAN-ST in 2021, to motivate 300 million domestic tourists in India to engage in sustainable tourism and mindful resource consumption while traveling.

Swadesh Darshan Scheme 2.0 focuses on developing tourism destinations as sustainable and responsible tourism. It involves the local community, self-employment, and private investment in tourism and hospitality. Furthermore, the scheme aims to protect and enhance local culture and natural resources for future generations.

Sustainable Tourism for India Criteria and Indicators (STCI) aims to promote sustainable practices in tourism businesses like hotels and tour operators to promote sustainable practices.

⁷⁰ Ankit Agarwal, 'India's Push for Sustainable Tourism' (*Invest India*, 27 September 2023) <<https://www.investindia.gov.in/team-india-blogs/indias-push-sustainable-tourism>> accessed 28 November 2024.

The STCI provides certificates to tourism businesses when they fulfill the criteria of proper planning and care, protection of the cultural heritage site and traditions, sharing benefits with local communities, conserving the environment, and minimizing harm to the environment, society, and local culture. These are some of the national policies that promote sustainable tourism in India. In Assam, we have the Assam Tourism Policy 2022⁷¹ Awesome Assam intends to transform Assam into a top tourist destination nationally and internationally by considering ecological and cultural sensitivities to provide socio-economic benefits to the entire state.

ROLE OF JUDICIARY

M. C. Mehta v Kamal Nath (1997):⁷² In this case, Span Motels Private Limited, which was associated with the Minister of Environment and Forest Kamal Nath at that time, constructed a resort known as Span Club on forest land near the bank of the Beas River in Himachal Pradesh. This led to a significant ecological disruption by changing the river course and increasing the flood risk.⁷³ The issue raised in this case was whether the construction of Span Motels Pvt. Ltd. was legal and justified and whether the Public Trust Doctrine is applicable in India. In his case, the court held that the Public Trust Doctrine applies because natural resources like rivers, lakes, and forests are held in trust by the government for the benefit of the public. The Court also quashed the government's lease of the company because it was found to be inappropriate. The Himachal Pradesh Government was ordered to take control of the resort and the land and restore it to its actual environmental state without destroying the construction. Thus, the court introduced the Public Trust Doctrine into Indian Law, which prioritizes natural resources and should be preserved by the government for future generations. The judgment shows the victory for environmental justice, highlighting that the judiciary is always there to protect nature when government officials fail to do their duties.

Tarun Bharat Sangh v Union of India (1993): In this case, illegal mining was conducted in the Sariska Tiger Reserve in Rajasthan, which caused grave harm to the environment, wildlife, and local communities by clearing forests and deep-digging pits that affected water resources

⁷¹ Directorate of Tourism, 'Tourism Policy 2022'

<https://directortourism.assam.gov.in/sites/default/files/swf_utility_folder/departments/assamtourism_webcomi ndia_org_oid_3/menu/document/tourism_policy_2022.pdf> accessed 28 November 2024.

⁷² M.C. Mehta vs Kamal Nath and others (1997) 1 SCC 388.

⁷³ Rohit Belakud, 'How Judiciary Has Responded to Forest Conservation? With Cases' (The LegalQnA, 14 August 2024) <<https://thelegalqna.com/how-judiciary-has-responded-to-forest-conservation-with-cases/>> accessed 29 November 2024.

and agricultural activities.⁷⁴ Therefore, the Tarun Bharat Sangh filed a petition against illegal mining because the Rajasthan Government had allowed mining in protected areas, which violated environmental laws. Thus, the court held that mining activities were illegal and Ordered strict action to safeguard the Sariska Tiger Reserve. This case shows how the judiciary prioritizes protecting the environment rather than human needs.

Lafarge Umiam Mining Pvt. Ltd. v Union of India (2011):⁷⁵ In this case, Lafarge Umiam Pvt. Ltd., a global cement company, started its limestone mining in the forest areas, which were home to rich biodiversity and tribal communities. The issue in this case was that the company violated environmental laws and the Forest Conservation Act of 1980 by causing distress to forests, wildlife, and local communities. Also, the company did not obtain proper environmental and forest clearances from the Ministry of Environment and Forests. However, the Supreme Court held that Lafarge's mining operations in that area were illegal because they did not obtain proper clearance and directed them to stop mining and condition. To resume mining. The court said that mining could be done only if the company obtained proper clearance as per the laws and after paying compensation for the environmental damage caused by its operations. Moreover, the company also needs to obtain corrective measures to protect the environment and wildlife.

Orissa Mining Corporation Ltd. (OMC) v Ministry of Environment & Forests (2013):⁷⁶ In this case, the Vedanta—OMC joint Venture was involved in the mining of bauxite in the Niyamgiri Hills, which are rich in natural resources. This degraded large land areas, disrupted the rivers, and damaged the environment. The project was opposed by the Dongoria Kondhs, a Particularly Vulnerable Tribal Group (PVTG) that inhabits the Niyamgiri hills, relies on the forest livelihood, and worships the Niyam Raja, the supreme god of the forest.

The main reason for their opposition was that they feared the mining project would destroy their sacred land, rivers, and way of life. They argued that mining would violate their cultural, religious, and spiritual rights and their right to the forest and its resources. However, the court upheld the rights of the Dongria Kondh Tribe, asked the mining to be stopped in the Niyamgiri

⁷⁴ Sonakshi Pandey, 'Tarun Bharat Sangh v. Union of India, 1993 Supp (3) SCC 115' (IIPRD, 19 February 2024) <<https://www.iiprd.com/tarun-bharat-sangh-v-union-of-india-1993-supp-3-scc-115/>> accessed 29 November 2024.

⁷⁵ Lafarge Umiam mining Pvt. Ltd. vs. Union of India & Ors [2011] 7 S.C.R. 954

⁷⁶ Orissa Mining Corporation Ltd. (OMC) vs Ministry of Environment & Forests WP(C) No. 180 of 2011.

Hills, and ordered that no mining could take place in the Niyamgiri Hills without the consent of the Gram Sabhas because the hills are considered sacred and are vital forest areas.

CONCLUSION

India's rich biological diversity enhances the tourism sector, which plays an important role in the economy by creating job opportunities, fostering cultural exchange, and promoting economic growth.⁷⁷ However, it is necessary to balance tourism development, safeguarding the ecosystem and the rights of local and tribal communities.

- The conflict between the conservation policies and local communities arises from the exclusionary principle from the protected areas. Sustainable Tourism must balance ecological preservation with social equality, involving local communities as representatives in the conservation process.
- The policies introduced by the government to promote sustainable tourism are Swadesh Darshan 2.0, the Travel for Life Campaign, the National Strategy for Sustainable Tourism, and Awesome Assam, which encourages eco-friendly tourism to preserve nature and cultural heritage for future generations.⁷⁸
- The legal framework in India aims to ensure that tourism does not harm the environment and protect biodiversity conservation in ecologically sensitive regions for future generations.
- The Judiciary also plays an essential role in upholding the laws by ensuring that their environmental protection is prioritized over development.

Thus, the success of sustainable tourism in protected areas can be measured by protecting the species and ecosystem within the area by ensuring that conservation efforts remain focused and effective.

SUGGESTIONS

1. While there are many laws for biodiversity conservation, such laws lack protection from over-tourism in protected areas. Therefore, there is a need for strict regulations to limit

⁷⁷ Priyanka Velhal, '24 Best Practices for Sustainable Tourism in Indian Forests' (Nelda, 23 July 2024) <<https://nelda.org.in/sustainable-tourism-indian-forests/>> accessed 30 November 2024.

⁷⁸ Ashwani Aman and Daya Shankar Tiwari, 'Adequacy of Environmental Legal Framework in Indian Tourism Industry' SSRN <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2251264> accessed 30 November 2024.

the number of visitors in protected areas to prevent over-exploitation of natural resources.

2. The environmental laws are focused on conservation. Therefore, there is a need for legislation that deals with tourism.
3. An awareness program about sustainable tourism should be conducted in tourist areas.
4. There must be a committee to check the regulation of tourism business operators and whether they follow the concept of sustainable tourism.
5. Local Communities must be included in tourism management and planning. There must be encouragement in the local communities to take part in the decision-making process to promote their culture and sustainable practices.
6. A committee must be established to oversee tourism practices in the protected areas, whether they follow sustainable practices or not.
7. There must be a feedback desk in every protected area or tourist area so that the management can be informed about problems there.