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Volume 2 Issue 1, January-March 2019

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SIGNIFICANCE OF TOURISM LAWS IN INDIA – A STUDY



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Abstract: When speaking about tourism the picture, which comes to our mind is of various destination such as mountains, beaches, hill stations, monuments, forts, palaces etc and also of traveling public of both categories i.e. domestic and foreign. Tourists, who visit a place for enjoyment, recreation, pleasure and so on. The present article presents an account of the whole study.

Key Words: Tourism Laws in India, Significance, Reforms

Introduction

Tourism is a booming industry not only in India and other foreign countries like Spain, Italy, France, USA, Thailand, Singapore, Malaysia etc. The estimates by the ministry of tourism, Government of India highlight the booming nature of tourism. The overall export income generated by inbound tourism, including passenger transport, exceeded US\$ 1 trillion in 2010, or close to US\$ 3 billion a day. Tourism exports account for as much as 30% of the world's exports of commercial services and 6% of overall exports of goods and services. Globally, as an export category, tourism ranks fourth after fuels, chemicals, and automotive products. For many developing countries it is one of the main sources of foreign exchange income and the number one export category, creating much-needed employment and opportunities for development. Tourism and travel offer the best prospects for generating employment and sustainable development, particularly in developing countries. There is an increasing recognition by industry, government, and international agencies that effective laws and institutions are fundamental to achieving successful outcomes.

In India Ministry of Tourism compiles monthly estimates of Foreign Tourist Arrivals (FTAs) and Foreign Exchange Earnings (FEE) from tourism on the basis of data received from major airports. Following are the important highlights regarding FTAs and FEE from tourism in India during the month of September 2011.

In India tourism is not a new concept. The world outside India was always in search of this magic land. The Chinese were attracted to India for her fabulous wealth of learning since ancient times. Hiuen-Tsiang (a.k.a. Huen Tsang, 603-664 A.D.) was one of the outstanding Chinese scholars who visited India in search of knowledge; various other travelers visited India in the past and wrote about its glory. 'India' the first book written by Megasthenese speaks about India's glorious days. He visited India during the reign of Chander Gupta Maurya.

In India, tourism is a booming sector which attracts a large number of tourists, but the place when tourism suffers is that it has no particular law. Tourism has benefited the society to a large extent by giving employment to lots of people, but it has also affected the society and environment in a negative way. In many places tourists can be seen creating nuisance in tourist places, they pollute the environment, scribble on walls of monuments thus damaging the public property and bringing a bad name to their native country or state. On the other side of the scene, even in the older days, the travelers were not given full freedom, they were looked with suspicion and the report of their activities was given to the kings from time to time for their crimes and wrongs. They were punished according to the law of a particular country and kingdom. Mostly morals and ethics were kept in mind while awarding punishments to the wrongdoer but in grave crimes, no leniency was shown.

In the present context, tourism laws are in no way different from the laws applicable in the country under the judiciary and legislation of India. There are various legislations that directly and indirectly affect or are applicable to tourism. Tourism laws are eclectic and can be divided into two broad parts:

- Firstly, the general laws which apply to this industry often in unexpected ways because of its peculiar characteristics e.g. damages for disappointment.
- Second, the industry-specific laws from the ancient common innkeepers and carriers doctrines to the labyrinth of local, state, federal and international regulations which now govern this industry.

Travel, by definition, involves cross border social, cultural and commercial transactions which arguably raise more regulatory challenges for this industry than perhaps any other. Hence following Laws/Acts/Regulations are relating to tourism:

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. A number of problems of tourists have their roots in the absence of

Table 1
Scope of Tourism Laws

| Sl. No. | Type of Laws | Specific Laws/Acts |
|---------|---|--|
| 1 | Business and Commercial Laws | Law of Contract |
| | | The Partnership Act 1932 |
| | | Negotiable Instrument Act 1881 |
| | | Sales of Goods Act 1930 |
| | | Shops and Establishment Act (State Specific) |
| | | Consumer Protection Act of 1986 |
| 2 | Industrial and Labour Laws | Health Protection Act (No Smoking Laws) 1996 |
| | | The Factories Act 1948 |
| | | Payment of Wages Act 1936 |
| | | The Minimum Wages Act of 1948 |
| | | Equal Remuneration Act of 1976 |
| | | Trade Union Act of 1948 |
| | | Industrial Dispute Act 1947 |
| 3 | Social and Welfare Laws | The Contract Labour Act 1970 |
| | | The Employees Provident Fund and Miscellaneous Provision Act 1952 |
| | | Payment of Gratuity Act 1972 |
| | | Payment of Bonus Act 1966 |
| | | Employees State Insurance Act 1948 |
| | | Maternity Benefit Act 1961 |
| | | Workmen Compensation Act of 1923 |
| 4 | Laws Regarding Food | Apprentices Act 1961 |
| | | Prevention of Food Adulteration Act 1956 |
| 5 | Licenses Applicable in Hotel Liquor License Organization | Essential Commodities Act 1955 |
| | | Grant of Liquor License to Hotels/Restaurants/Clubs for Service Liquor |
| | | Registration of foreign License |
| | | Foreign Exchange Regulation Acts 1973 |
| | | Lodging House License |
| | | Eating House License |
| | | Fire and Safety License |
| | | Swimming Pool License |
| 6 | Acts Related to Hotel Sarai Act 1856 Organization | Public Amusement License |
| | | Video Games Parlor License |
| | | Rent Control Act (State Specific) Public Liability Act 1991 |
| | | Cyber Laws |
| | | Information Technology Act, 2000 |
| | | Micro, Small and Medium Enterprises Development Act 2006 |

| | | |
|----|---|--|
| 7 | Taxation | Central Sales Tax 1956 |
| | | VAT |
| 8 | International Laws Related to Franchising Act Hotels | Hotel Management Contract |
| 9 | Laws Related with Monuments and Sites | The Ancient Monument Preservation Act 1904 |
| | | The Ancient Monuments and Archeological Site and Remedies Act 1958 |
| 10 | Laws related to wildlife and Environment | The Wildlife Protection Act 1972 |
| | | Environment Protection Act of 1980 |
| | | The Air (Prevention Control of Pollution) Act, 1981 |
| | | The National Green Tribunal Act, 2010 |
| | | Coastal Zone Regulation Etc |
| | | CRZ Classification and Development Regulations |
| 11 | Laws related to Tourists | Foreigners Act of 1946 |
| | | Passport Act of 1967 |
| 12 | Laws Related with Transportation | MACT 1988 |
| | | Baggage Amendment Rules 2006 |
| | | Motor Vehicle Act of 1988 |
| | | Air Craft Act of 1934 |
| | | The Carriage by Air Act 1972 |
| 13 | Criminal Acts | Indian Penal Code 1860 |
| | | Criminal Procedure Code 1973 |
| | | Evidence Act 1872 |
| 14 | Drugs and Narcotics | Narcotic Drugs and Psychotropic Substances Act, 1985 |
| | | Indian Tobacco Control Act of 2003 |
| 15 | Immoral Trafficking | The Immoral Traffic (Prevention) Act, 1956 |

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 minimization of disputes between the tourists and the providers of services. The economic importance of tourism and the present stage of its development have 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 international activity. This is especially so because global tourism is becoming highly competitive in neighbouring destinations/countries. Although there so many enactments and constitutional provisions as well policies and programs of State Government and Central Government which dealt with tourism but still there is no exact Legislation for promotion and protection of the tourism industry.

Above list depicts that there are various laws but tourists, service providers, transporters, railways, airways, hotels most of them are covered under Consumer Act. Cases like cheating, fraud, nuisance, defamation, trespass are covered under IPC. Topics are related to services (flights, railway journeys, travel agencies are covered under Consumer Protection Act. Matters related to wildlife are covered under the Wild Life Protection Act 1982. Poaching, selling and building of ivory are covered under Wild Life Act, but if such crimes are done by the tourists then there is, as usual, the same procedure adopted in other cases, as a result, many years are passed till the final hearing comes.

Key Findings

Training and Skill Development

Travel and tourism sector in India includes employees such as inbound tour operators, travel agents, tourist transport operators, adventure tour operators and domestic tour operators in the travel trade segment and those employed in hotels and restaurants in various functions of the front office, F&B and housekeeping among others. While the tourism sector in India is targeted to grow at an annual rate of 12% during 2011-2016, adequate training and skill development infrastructure and hence the availability of trained manpower have not kept pace with growth. This has led to an existing as well as a forecasted shortfall of trained manpower in various segments of the tourism sector in India. The hospitality sector alone witnessed a shortfall of 0.5 million employees during 2011-2012 which is expected to rise to 0.8 million by 2017 and 1.1 million by 2022 as per the target growth levels. There exists a forecasted requirement of around 2.8 million employees for restaurants, 4.1 million employees for hotels and 0.3 million employees for the travel trade segment by 2022 resulting in an incremental requirement of a total of 2.7 million employees for the tourism sector as compared to 2012 employment figures. An assessment of the training infrastructure estimates a total of 337 training institutes in the Hospitality sector and 101 travel and tour institutes offering courses related to ticketing and tourism as in March 2010 which appears to be significantly low.

As per a study by the Ministry of Tourism, only 50% of the employees in the key functional domains of hotels are fully trained with this statistics reducing to 35% for restaurants and other eating outlets. This necessitates the immediate need for formal training, especially for the hospitality sector employees. In addition, proper selection of hotel management students, increased focus on grooming and communication skills, on the job training, courses in foreign languages and standardization and monitoring of curricula in private institutions may be required.

Safety and Security of Tourists

Safety and security of tourists are of paramount importance in any country as it majorly impacts the inflow of foreign tourists in the country. Domestic tourist

movements are impacted in states and tourist locations where tourists consider a threat to their safety and security. It holds special significance for India which has been ranked at a low level of 74 amongst 140 global economies on safety and security parameters as per the World Economic Forum's Travel and Tourism Competitiveness Report 2013. Government has made concerted efforts towards increasing the safety and security of tourists in India. One of the main efforts in this direction includes setting up of special tourist police. Following Kochi in Kerala where the first tourist police station in the country was set up in 2010, several other states such as Andhra Pradesh, Delhi, Goa, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Maharashtra, Madhya Pradesh, Odisha, Punjab, Rajasthan, and Uttar Pradesh have deployed Tourist Police in one form or the other. The indicative tasks of the tourist police include ensuring safety and security of tourists by providing them information on safe lodging and transportation, effective and fast handling of inquiries and complaints, regular surveillance and immediate action in case of any identified misconduct.

The Tourism Ministry is also making efforts towards sensitizing various stakeholders through electronic and print campaigns for ensuring the safety and security of tourists. Provision of funds under the Central Financial Assistance to states of Rajasthan, Uttar Pradesh and Andhra Pradesh for setting up of Tourist Facilitation and Security Organization on a pilot basis and issuance of guidelines for adoption of code of conduct for safe and honorable tourism issued to hotels, guides, tour operators and other professionals and institutions are other important steps. With the rise in a number of women travelers both in terms of domestic as well as foreign tourists, ensuring their safety has emerged as a major concern.

The Ministry of Tourism has launched a sensitization campaign, 'I respect women', with an aim to raise awareness about the need for sensitive behavior towards women and to provide greater security. Guidelines issued at the 2012 APEC Tourism Ministerial Meeting towards ensuring tourist safety may also be implemented:

- (i) Encouragement of risk assessment and management by the private sector before the commencement of travel.
- (ii) National tourist administrations of APEC economies to compile and exchange best practices of establishing appropriate regulations.
- (iii) Maintain a transparent and balanced mechanism for generating travel advisories.
- (iv) Develop online travel registration tools for collecting data on outbound tourists.
- (v) Put in place administrative arrangements to get quick access to tourists' data without compromising the data privacy for identifying tourists in times of emergency.

- (vi) Regulation and monitoring of various service providers in the tourism value chain to ensure compliance and safety. While steps have already been initiated in this direction, there is a need for ensuring effective implementation of the policies and actions drafted to ensuring safety and security of tourists.

Healthcare for Tourists

There is a significant need for improvement in ensuring sound health of tourists in India especially considering the low rank of 109 for India in terms of health and hygiene standards as compared for 140 world economies. Indicative parameters reveal dismal results. Physician density at 0.7 per 1000 population and 9 hospital beds for every 10,000 people in India are extremely low for a country that considers tourism as a sector of high importance for the economy. Only 34% of the population in the country has access to improved sanitation services and 8% of the population still does not have access to clean drinking water. Urban areas in India have excellent or good medical facilities such as long-distance road ambulance, air ambulance, state of the art hospitals meeting international standards, pharmacies etc. However, rural areas in India are devoid of such facilities which may hamper the growth of rural tourism in India. There is also a wide state wise disparity in terms of medical infrastructure availability. Several issues surround tourist destinations in the country. Lack of clean drinking water kiosks, lack of clean toilet facilities, lack of first aid and medical facilities in immediate vicinity especially in hilly and remote areas and lack of good quality transportation ambulances to medical centers in case of emergency are some of the major concern areas.

The Ministry of Tourism has taken steps for improving sanitation facilities by asking the tourism departments of all states and union territories to establish adequate wayside amenities. Helicopter services have been proposed for emergency medical situations. Steps are also being taken to provide good quality medical facilities at tourist destinations. However, the overall development of medical infrastructure in the country is required for the provision of a safe and healthy experience to tourists visiting India. The Central Government has given priority to healthcare and is making significant investments to improve the infrastructure and delivery mechanism jointly with the state governments through the National Rural Health Mission. It has decided to increase healthcare expenditure to 2.5% of GDP by the end of the 12th Five Year Plan by 2017. In addition, several precautionary measures may be taken in order to avoid instances of tourist illness in the country by:

- (i) Providing information on important vaccinations.
- (ii) Increasing awareness of the importance of consuming food and water from organized vendors with clean and hygienic premises.
- (iii) Timely and transparent communication of travel advisories in situations of disease outbreaks.

- (iv) Careful screening of tourists at airports for any kind of existing disease/infection

Infrastructure

As per the World Economic Forum's Travel and Tourism Competitiveness Report 2013 for 140 world economies, India's air transport infrastructure, ground transport infrastructure and tourism infrastructure have been ranked 39, 42 and 95 respectively indicating considerable scope for improvement. Other infrastructure requirements such as availability of good quality and reasonably priced hotel rooms, parking spaces, tourist cars etc. are also a cause of concern. Some of these have been discussed below.

Air Transport Infrastructure

While the overall airport infrastructure in India is ranked well, quality of infrastructure, airport density per million population and number of departures along with rising airfares are a cause of concern. State wise comparison reflects wide disparity with Maharashtra and Delhi leading at more than 0.25 million aircraft movements in 2010 as compared to Punjab, Manipur, and Jharkhand with less than 0.01 million aircraft movements.

Road Transport Infrastructure

While India is ranked high (30) in terms of road density per million populations, quality of roads is unsatisfactory, especially in rural areas. In addition, there is a lack of feeder stations even on proper roads with not enough stops for pick up. The national and state highways account for 2% and 4% respectively of the total roads in India. Hence, just 6% of the overall roads in India accounting for 80% of the total traffic signify the need for improvement in the national road and highway network. Lack of parking facilities, police stations and tourist information centers in the vicinity of tourist destinations is another cause of concern. Lack of public amenities such as clean toilets and clean drinking water kiosks poses health concerns for tourists. Lack of proper road signage (visibility, language etc.) causes trouble in identifying locations especially to the tourists traveling by road.

Rail Transport Infrastructure

India enjoys good quality rail infrastructure, however, there is scope for state wise improvement. While Northern states such as Delhi and Punjab enjoy railway route length of 12.3 km and 4.2 km per 100 sq km of area, states in the eastern part of India have negligible railway route lengths. In addition, there exists a significant demand-supply gap for railway tickets on major routes Hotel room availability: India ranks very low in terms of a number of branded hotel rooms per 100 populations (rank 136). With just a little more than 68,800 branded rooms for the country, India has only two branded rooms per 100 sq km area which are concentrated in top cities and urban

areas. In addition, there is a lack of budget hotels offering good quality services at reasonable prices. Government recognizes the need for upgradation of tourism infrastructure in India and has proposed an outlay of INR 152.2 billion for the tourism sector under the 12th five-year plan. This includes the creation of basic infrastructures such as improving road connectivity and wayside amenities, development of helipads, heliports and airstrips, upgradation of passenger terminals and creation of tourist infrastructure in collaboration with the private sector. Efficient implementation of such plans is pertinent for achieving an overall infrastructural development in the country.

Suggestions for Tourism Legislation

There is a definite need to address the various concerns relating to tourism legislation. For example, the second workshop on tourism Legislation in India” made the following lines:

- Apart from road transport, roads were also an equally important part of the transport infrastructure. It is, therefore, desirable that roads are continuously well maintained to ensure smooth driving. Hence, wherever considered necessary, the maintenance and even construction of roads on important tourist routes can be entrusted to private or joint sector companies who should be allowed to charge toll tax.
- As there was already sufficient legislation under the general Central and State laws, there was no need for any further legislation on tourism in so far as the hotel and restaurant sector was concerned. Instead, there should be more emphasis on inspection/supervision of hotels and other tourism-related establishments. However, in order to bring uniformity in the matter of applicable laws all over the country, the existing Central and State laws should be studied by legal experts who could also be asked to suggest suitable modifications in them so as to develop a model law, which could then be recommended to the State Governments for adoption.
- Education, research and training are crucial cogs in the wheel of tourism. HRD should be given priority. Adequate importance should be given to inductive research on historical importance and contemporary relevance. Tour operators, guides must develop a good rapport with tourists. From touring to learn we should move to learn to tour.
- Enhancing security, stepping up investment and boosting (world class) infrastructural activities should be on the top of the agenda. Service quality – in hotels.
- Ensure that Travel and Tourism are factored into mainstream policies for employment, trade, investment, and education, ensuring that the underlying policy framework is conducive to sustainable growth.

- Forts, palaces and other buildings of intrinsic values may be given suitable incentives for their upkeep and preservation.
- In view of its being the highest net foreign exchange earner, international Tourism should be declared as an export-oriented industry so that all incentives and concessions available to the export-oriented' industry are provided to the international tourism industry.
- India should make the most of its topography, natural resources, and labor to develop not only traditional products but also nontraditional products of tourism.
- Insurance cover and compensation for the tourists should be provided for and compensations in the case of loss of life, bodily injury or loss of baggage enhanced.
- It is essential to maintain ecosystems and ecological processes required for the functioning of the biosphere.
- Minimum educational qualifications for the drivers of tourist vehicles should be prescribed.
- The network should be developed with many grass-roots NGOs working in the field of biodiversity conservation so more awareness can be spread. Future is required preparing and develop school programs, manuals and training programs with the focus on biodiversity at student's level so they will be more sanitizers towards their environment and conservation.
- New markets and different consumer segments should be targeted and promoted in the framework of the Marketing Plan for the state.
- Planned promotion of tourism to national parks and game sanctuaries should be encouraged as this will lead to regulated viewing of different species of wildlife, through legitimate tourist activity which in turn would prevent any large-scale poaching.
- Promote the sustainable development of Travel and Tourism as a policy across the entire state, not just as a policy for rural and nature-based tourism in the state.
- Proper display of internationally recognized road signs should be ensured. Shops approved by the Department of Tourism should be required to display their prices.
- Proper market segmentation should be done on the basis of criteria like demographic, socioeconomic and geographic variables. Yet a holistic approach should be the objective to project an Incredible and Inclusive India. Commercialization should not result in dehumanizing tourism.

- Protection should be provided to local cultural tradition and crafts by harmonizing the tourist activities with local tradition.
- Provision of arrangements for sewage/wastewater treatment should be made compulsory not only to save water but also to make it re-usable for growing plantation and horticulture.
- Rural tourism should be a byproduct of Indian tourism. At the Same time, eco-tourism for sustainable livelihoods must be encouraged.
- Suitable guidelines for adoption and implementation by the State Governments should be issued for the protection of the tourists from harassment by hawkers, beggars, and urchins at places of tourist interests.
- Suitable safeguards should be prescribed for the protection of marine national parks to save sea life and corals.
- The legislation should provide for the setting up of an Apex Body with legal authority to frame rules to regulate the operations of the [travel agencies including binding of such agencies with a view to protecting the interests of the consumers.
- There is a need for an in-depth analysis of the maximum sustainable visitor capacity in all the tourist destinations in the state. Regulatory measures should be a plan that can offset negative impacts and can control the number of tourist activities and movement of visitors at destinations.
- There should be legislation to regulate the existing travel and tourism business and to permit the setting up of new travel and tourism business. Such businesses will be in the forms of Travel Agents. Tour Operators (inbound and outbound). Excursion Agents, Railway Booking Agents, and Tourist Transport Operators.
- There should be suitable legislation to prevent undesirable ribbon development along the highways, especially along routes frequented by tourists.
- This Committee should identify compact tourism development areas having regard to its ecology, bio-systems, and antiquities creating tourism development entities.
- To control noise pollution near monuments of tourist importance and places of pilgrimage; vehicular traffic which is the main source of noise pollution should be restricted up to a specified distance from the monuments.
- To maintain aesthetics, the infrastructure around cultural monuments should blend with the overall environment of the area.
- To prevent litter pollution from beach hotels, disposal of litter by deposit into the municipal drainage system or its burial in deep pits which can then be covered up should be made obligatory for the hotels.

- To protect the cultural environment, infrastructure such as public conveniences near cultural and historical monuments should be allowed at some distances from the monuments. Suitable guidelines regarding land-use can be issued for adoption by the State Government on Ecology and Environment may look after this work also.
- Tourism and related activities may be brought on the Concurrent List of the Constitution of India.
- Tourist-oriented wayside amenities may be developed.
- With a view to sustaining tourism, it is desirable that there should be legislation to protect the environment and ecology. The proposed legislation should have provision for the constitution of a Committee on Ecology and Environment under the Ministry of Tourism, Government of India.
- Tourism and related activities may be brought on the Concurrent List of the Constitution of India.
- There should be legislation to regulate the existing travel and tourism business and to permit the setting up of new travel and tourism business. Such businesses will be in the forms of Travel Agents, Tour Operators (inbound and outbound), Excursion Agents, Railway Booking Agents, and Tourist Transport Operators.
- The legislation should provide for the setting up of an Apex Body with legal authority to frame rules to regulate the operations of the travel agencies including binding of such agencies with a view to protecting the interests of the consumers.
- As there was already sufficient legislation under the general Central and State laws, there was no need for any further legislation on tourism in so far as the hotel and restaurant sector was concerned. Instead, there should be more emphasis on inspection/supervision of hotels and other tourism-related establishments. However, in order to bring uniformity in the matter of applicable laws all over the country, the existing Central and State laws should be studied by legal experts who could also be asked to suggest suitable modifications in them so as to develop a model law which could then be recommended to the State Governments for adoption.
- Any land being used or proposed to be used for tourism-related activities, as approved by the Government of India, Ministry of Tourism should be exempted from the provisions of the Urban Land Ceiling Act.
- In view of its being the highest net foreign exchange earner, international Tourism should be declared as an export-oriented industry so that all incentives and concessions available to the export-oriented industry are provided to the international tourism industry.

- There should be legislation to facilitate single-window clearance for hotel/tourism projects.
- The proposed Tourism Finance Corporation should provide loans to the tourism industry at a concessional rate of interest as is available to the export-oriented industries.
- With a view to sustaining tourism, it is desirable that there should be legislation to protect the environment and ecology. The proposed legislation should have provision for the constitution of a Committee on Ecology and Environment under the Ministry of Tourism, Government of India. This Committee should identify compact tourism development areas having regard to its ecology, bio-systems, and antiquities creating tourism development entities.
- It is essential to maintain ecosystems and ecological processes required for the functioning of the biosphere.
- Protection should be provided to local cultural tradition and crafts by harmonizing the tourist activities with local tradition.
- Optimal use should be made of trans-boundary natural resources (for example national parks) and effective protection of trans-boundary environmental interferences.
- Tourism activities on or near beaches should be allowed and regulated keeping in view the interest of the environment.
- Provision of arrangements for sewage/wastewater treatment should be made compulsory not only to save water but also to make it re-usable for growing plantation and horticulture.
- To prevent litter pollution from beach hotels, disposal of litter by deposit into the municipal drainage system or its burial in deep pits which can then be covered up should be made obligatory for the hotels.
- To control noise pollution near monuments of tourist importance and places of pilgrimage; vehicular traffic which is the main source of noise pollution should be restricted up to a specified distance from the monuments.
- The use of radio, transistor, gramophone or any other form of music, blowing of horns, etc. should be prohibited in the case of visits to national parks and sanctuaries.
- Planned promotion of tourism to national parks and game sanctuaries should be encouraged as this will lead to regulated viewing of different species of wildlife, through legitimate tourist activity which in turn would prevent any large-scale poaching.

- To maintain aesthetics, the infrastructure around cultural monuments should blend with the overall environment of the area.
- As there was always a carrying capacity beyond which no further development could take place without seriously disturbing the environment of the area and social values suitable ratio should be prescribed between the construction area and the open space to ensure balanced development in beach resorts, national parks, and sanctuaries, areas around monuments, etc.
- To protect the cultural environment, infrastructure such as public conveniences near cultural and historical monuments should be allowed at some distances from the monuments. Suitable guidelines regarding land-use can be issued for adoption by State Government.
- Special Area Development Authorities should be set up for hill and desert areas to ensure planned development keeping in view the environment and ecology of the place. Alternatively, the Committee on Ecology and Environment may look after this work also.
- Forts, palaces and other buildings of intrinsic values may be given suitable incentives for their upkeep and preservation.
- Suitable safeguards should be prescribed for the protection of marine national parks to save sea life and corals.
- Suitable guidelines for adoption and implementation by the State Governments should be issued for the protection of the tourists from harassment by hawkers, beggars, and urchins at places of tourist interests.
- In the case of rail transport, Central legislation was already available in the form of the Indian Railways Act, 1980. This Act is proposed to be replaced by comprehensive legislation shortly. The Indian Railway Act contains adequate provisions to safeguard the interests of all passengers including tourists. Hence, no separate legislation is required.
- A special chapter on tourist transport should be incorporated in the Motor Vehicles Act which is likely to be amended shortly.
- In addition to all-India permits, there should be zonal permits for a group of 5 or 6 States. All India permit holders may base and operate their vehicles from any part of India. Zonal permit holders may base and operate their vehicles from any place within their respective zones only. The road and passenger taxes for all types of vehicles may be collected at a single point and such vehicles should be allowed to move freely all over India or within the respective zone.
- On the analogy of the practice prevalent in some of the foreign countries. Tourist Transport Operators approved by the Department of Tourism may be permitted to rent out cars to tourists on a self-drive basis.

- Apart from road transport, roads were also an equally important part of the transport infrastructure. It is, therefore, desirable that roads are continuously well maintained to ensure smooth driving. Hence, wherever considered necessary, the maintenance and even construction of roads on important tourist routes can be entrusted to private or joint sector companies who should be allowed to charge toll tax.
- Road and passenger taxes for tourist transport should be related to tourist promotion objectives rather than commercial consideration. Also, there should be uniformity of rates charged by different States and Union Territories.
- Insurance cover and compensation for the tourists should be provided for and compensations in the case of loss of life, bodily injury or loss of baggage enhanced.
- Provisions for penalizing and/or prosecuting the surface transporter for various acts of omission, commission, and offenses may be made.
- Minimum educational qualifications for the drivers of tourist vehicles should be prescribed.
- Tourist-oriented wayside amenities may be developed.
- There should be suitable legislation to prevent undesirable ribbon development along the highways, especially along routes frequented by tourists.
- Proper display of internationally recognized road signs should be ensured.
- To ensure safety on the Highways, "Traffic and Medical Aid Posts" may be set up on important routes.
- Shops approved by the Department of Tourism should be required to display their prices.
- A foreign tourist making payment in foreign exchange should be exempted from sales tax.
- Tourist Guides should be properly trained and provided adequate remuneration.
- Tourist Police Task Force has been established by various State Governments for ensuring safety and security for tourists. Special sensitization campaigns may be implemented for women tourists and to publicize these campaigns on global platforms. Health concerns for tourists visiting India also need to be mitigated.
- Private sector players may be encouraged to participate in the development of tourism infrastructure by the provision of fiscal as well as nonphysical incentives. PPP projects and formation of Special Purpose Vehicles for mega tourism projects may be required.

- Investments in tourism infrastructure may include the development of both tourism as well as civic infrastructure. This may also involve the provision of wayside amenities, tourist information bureaus, and websites for providing requisite tourist information. Efforts towards enhancement of overall transport infrastructure in the form of good quality roads, rail network, airports, helipads, availability of tourist vehicles etc. may also be strengthened in order to improve the overall infrastructure.
- Extensive market research and evaluation exercise may be undertaken in order to identify desired tourist destination attributes and major markets and segments. Identified tourist destinations may then be developed through flagship projects involving state governments and private sector players. These may be developed either as 'products' such as religious, wellness, adventure, nature, rural or agriculture tourism or as 'experiences' such as the Rama trail planned in Gujarat or the Spice Route Tourism planned in Kerala.
- Key tourism circuits across the country may be identified basis discussions with key stakeholders such as state governments, local travel trade partners etc. Key attributes, tourism potential, current, and future connectivity and synergy within destinations may be studied.
- Steps may be taken in order to enhance the travel experience for visitors across states. Payment of road tax, toll etc. while entering each state may be replaced by an integrated taxation regime. This may further be augmented by the development of an integrated public transport system at a national level on lines of the Eurail network in Europe.
- Joint Marketing Programs With tourist circuits spanning across various states, collaborative marketing efforts may be required for promotion of the same:
 - (i) Focused branding and promotional campaigns may be designed
 - (ii) Marketing material like brochures, print creative, audio-video presentations, short films, radio jingles, creation of websites, online creative's, advertisements over media channels like print, radio or internet etc. may be utilized.
 - (iii) Involvement of local travel trade partners may be encouraged. Trips to involved destinations, informative sessions, financial support, and incentives may be provided
 - (iv) Direct and intensive reach marketing programs may be executed through social networking sites such as twitter, facebook etc. in order to reach out to the young tech-savvy global population
 - (v) Focused websites, exhaustive in content, user friendly and attractive in visual appeal may be developed in multiple languages of target countries
 - (vi) Participation in international events may be increased and a greater number of domestic tourism events and road shows may be organized in order to offset seasonality of tourist inflow. Events may be based on innovative themes

of music, dance, sports, food, fruits, handicrafts, Indian culture and traditions, Indian villages, festivals etc. (vii) Customized tour packages may be developed keeping in mind the profile of visitors, budget and travel requirements. Comparative pricing of tourism products may also need to be considered after analysis of other tourism packages and products available

- Customized packages with different tourism products and discounts may be provided to repeat travelers in order to provide a different and enriching experience on each visit.
- Travel trade partnerships may be extended beyond tour operators, guides etc. to partners from other industries such as international hotel chains, airlines or credit card companies.
- Provision of additional training institutes, enhancing the capacity of existing ones along with the introduction of short term courses providing specific skills directed at hospitality and travel trade sector employees may be required for catering to the increased manpower and skill requirements. Development of basic skill sets for casual workers especially those in the travel trade segment is required. Rural youth may be provided vocational training through special institutes to provide them employment opportunities.
- There is a need to spread education and awareness on the importance of the tourism sector and increase stakeholder participation involving the government, private sector and the community at large. Marketing campaigns like 'Atithidevo Bhava' may be implemented at regular intervals. Tourism awareness programs and workshops may be organized to enhance sensitization towards tourists and tourism destinations and for sustainable development and maintenance of tourism sites in the country.
- The prevention of crime and the maintenance of law and order in the tourist destination.
- To obtain knowledge of the people addicted to the crime at tourist attractions and to maintain adequate supervision over them.
- For successful detection of crime at tourist destination and prosecution of attendees are also of greatest importance.
- To ensure that all cognizable crime is reported and registered as well as the tourists are encouraged to give full information in this respect.
- Taking charge of the kiosks which act as reporting points for tourists in case of any security breach or for availing any similar kind of services.
- Curbing the activities of touts, beggars, and hawkers of the concerned area.
- The entry of unauthorized people, beggars and persons hawking articles for sale in the tourist areas shall be reported as and when it is required.

- Making the travel of the tourists hassle-free by immediate intervention in case of any mishappening.
- Providing mental support to the victims when they are cheated, their belongings are stolen, or whenever they fall prey into any other mischief or wrongdoing.
- Imparting information to the tourists about locations, transport systems, facilities in the destinations, legal information, information about authorized shopping centers, information regarding medical help in case of physical assault etc.
- Every Tourist Police should show civility to all tourists and advice where they can get appropriate transport, accommodation and other services needed.
- The tourist police should be able to intervene in the event of pick-pocketing, eve teasing, harassment.
- The Tourist Police should also interfere in case the tourists are involved in drug trafficking and consumption
- Sensitizing tourists regarding the law and order system in the state like rules related to accommodation, entry/exit rules, reporting at local police stations, special permits; security conditions at the destination; social and cultural taboos and other local conditions
- Tourist police should assist tourists while dealing with foreign currency exchange and guide them to do the same in authorized exchange counters and banks.
- To deal with immigration issues and Liaoning with Foreigners Regional Registration Offices (FRROs) at entry/exit points as and when it is required
- Restricting the entrance of unlicensed tourist guides and other unauthorized agencies into§ the destinations and places of tourist interest.
- In case of beach destinations and aqua-based destinations, the tourist police should be commissioned with an aquatic wing to enhance the security of the tourists
- Tourist Police Station means any kiosk, post or places declared generally or especially by the state government at the tourist destination to provide policing service to the tourists. This Tourist Police Station will work under the jurisdiction of district police (Superintendent of Police) for all policing purpose. To make the Tourist Police Station more visible the following specification can be followed.
- The Tourist Police Kiosk/Station should be a temporary/moveable set-up made of fiber and glass preferably of 20' x 15' size fully furnished with basic facilities

like Tables, Chairs, and Small word rubs, washroom. For catching the attention of the tourist, the kiosk can be designed using the combination of green and red colour. The name of the tourist police station with the concerned state government logo should also be displayed. The logo of “Incredible India” should be engraved in a prominent place of the kiosk since it is an established tourism brand of the country. The size of the kiosk may differ from one state to another but the colour and design of the kiosk should be uninformed.

- The tourist police stations will be in charge of a Sub-Inspector as Officer-in-charge. Within the units of his jurisdiction, the officer-in-charge of Tourist Police Station is responsible for the effective working and management of the police sub-ordinates attending to him to provide the best services to the tourist. So far safety and security are concerned Tourist Police should try to establish a meaningful relationship among the tourists, service providers and police.
- The uniform of tourist police should be different from general police and further for the whole country at least the colour of the uniform should be the same so that they can be recognized easily.

Incorporating all these into tourism developmental activities and legislation is not an easy task. Besides, there are many other aspects like media projections, tourism education, etc. that also need attention as far as legislation is concerned. Tourism legislation would be effective only if it is able to provide a comprehensive framework for all its segments and issues linking them with sustainable tourism development. Efforts in this direction are being made in many countries. For example, the Latin American Confederation of Tourist Organizations has come out with a preliminary report on tourism legislation in the American region. This, in fact, is a step further whereby tourism legislation can be enacted not only for one country but for the countries of the American region as a whole.

Today, when tourism is a big industry in itself and the demand of the hour is to have a special law or legislation for this industry. If not then the existing laws and legislation may be incorporated with special focus/sections on tourism and tourists. The crimes by and against tourists should not be covered under or adjusted with other laws. There can be a proper law which must deal with tourism and problems and perspectives related to it. The law should also be beneficial for foreign tourists who are aggrieved and has returned in his home country and is unable to come for the hearings. There must be provisions for speedy dispersal of grievances which are less harassing, less time consuming and justice should not be denied to a tourist sitting in far off country. The principle of natural justice “Audi Alteram Partem” must be provided to such aggrieved tourists. There should also be a provision of compensation to the aggrieved by the wrongdoer. A new provision of Cr.PC is incorporated pertaining to plea bargaining, similar provisions may be also incorporated in laws related to tourism.

Very few countries in the world have what can be termed as tourism legislation. In most of the countries, there are various laws that have a bearing on tourism operations and activities. The various types of tourism-related laws, enacted in different countries, relate to protection of tourists, border controls, quality of services, protection of the environment, conservation of historical sites and monuments, tourism industry regulations and the relationship between the various segments of the travel and tourism industry. These laws are derived from different sources. Generally, the demand for tourism legislation was voiced from the point of view of the tourism industry or for protecting the interests of international tourists as regards their safety or establishing standards of services. However, voices have also been raised demanding legislation for sustainable tourism development, protecting the interests of the host population and economic benefits for the local population. There are many laws in India which affect tourism operations and activities and as tourism professionals; you must familiarize yourself with these laws. Various attempts have been made by the tourism ministry in India to work out the feasibility of having tourism legislation. However, these efforts are still in the infancy stage and anything concrete has yet to emerge in this regard

If it is not possible to incorporate sections for tourism in existing legislation/laws then special tourism laws should be framed like on a similar pattern of POTA, NDPS Act etc., which solely deal with tourism and tourists so that whenever a crime or any wrong by tourist against local, or by local against tourist occur then immediately shelter of such legislation can be taken.

A Uniform Law is Essential to Promote Tourism in India

Astringent and uniform law safeguarding the rights of both domestic and foreign tourists visiting India is the paramount need to promote tourism in the country. Argue Krishan Singhanian and dr. Olav Albuquerque in this write-up detailing the legal aspects governing one of the most promoting sectors of the economy. Such law, which will not only ensure the safety of foreign tourists, especially women but also promote the country as a safe haven for tourists, the authors content.

Tourism ranks among the top five biggest contributors to the Indian economy. The contribution of tourism equals or even surpasses that of oil exports, food products or automobiles to the Indian economy. Tragically, the word tourism asperse is conspicuously absent from the seventh schedule of the contribution of India which impels that although policies to promote tourism are in place, there has been no serious thought to enact one comprehensive law on the subject.

The world Tourism organization, an affiliate of the United Nations has defined tourism as comprising the activities of persons traveling to and staying in place outside their usual environment for not more than one consecutive year for leisure, business and other purposes not related to the exercise of an activity remunerated from within the place visited.

Using this definition as a benchmark, subjects coming under the aegis of tourism are scattered throughout the union list, concurrent list and the state list of the seventh schedule. The union list mentions subjects such as ancient monuments, historical records and archaeological sites (entry 67 in the union list) Trade and commerce with foreign countries (entry 41 of the union list) industries, the control of which by the union is declared by Parliament by law to be expedient in the public interest (entry 52 of the union list).

This confusion is further confounded by list II state list which again repeats ancient and historical monuments and records other than those (declared by or under law made by parliament) to be of national importance as entry 12 which entry 24 again mentions the word "industries" subject to the provisions of list I and again under entry 26 as trade and commerce within the state subject to the provisions of entry 33 of list III concurrent.

It is seen from the above that although the central government as a full-fledged tourism ministry headed by a ministry of cabinet rank assisted by to ministry of state. The confusion which as originated in the constitution itself has not been remedied.

The central and various state governments have policies which attempt to boost tourism potential within the country by facilitating the flow of foreign and domestic tourists but the absence of a uniform legislation to protect the interests of foreign tourists entering India act as a deterrent to the growth of this sector which is inextricably linked to areas such as transport and handicrafts which all facilitate economic growth.

Tourism by its very definition needs umbrella legislation encompassing within itself the followings aspects:

1. Travel as a fundamental right of citizens and a legal right of foreigners subject to restrictions only for state security
2. Reliable, safe and cheap transport to and from places of ancient monuments and other tourism sports.
3. Safe, reasonably priced and adequate accommodation to suit the pockets of both domestic and foreign tourists located in well-known tourist spots.
4. Regulation of travel and tourism by making it mandatory for tourist guides and travel agents to be registered with both the state and central governments.
5. Setting up of a unit within major police stations to investigate crimes against foreign and domestic tourists. These units should patrol prominent tourists sports at night
6. Speedy clearance of proposals to construct hotel hostels lodging houses to provide accommodation to tourists. Tax holidays in the first year of construction when such logins are used exclusively to provide accommodation to tourists can be considered.

7. The mechanism to ensure that foreign tourists are not fleeced by locals and those crimes against them are promptly and promptly and speedily redressed.

The most comprehensive study on the subject of lack of a uniform law which will encapsulate within itself all aspects of tourism was done some 14 years ago by Sitikantha Misha and G Ravindran in their paper titled: An overview of tourism Legislation in India, presented in a workshop on tourism legislation in January 1998. This paper is not freely available on the internet by the fact remains that what has been examined by the authors then has not been taken seriously by either the central or any of the 28 state governments as there has been no attempt made to legislate a draft bill on the subject.

The lack of uniform legislation to protect tourists is borne out by the fact that criminals considered foreign tourists as soft pickings so that westerners become victims of robbery, rape, and other violent attacks. This is simply because these foreigners are affluent so that single which women who travel alone can become easy prey.

Foreigners must be assured that their personal and belongings are safe before they venture into the country with their much needed foreign exchange.

The piecemeal laws which impinge on tourism but do not deal especially with the subject can be grouped under the following broad heads:

1. Laws related to movements across borders like customs, visa regulations, foreign exchange regulations, immigration laws. These laws do not have the promotion of tourism and the regulation of tourist traffic as their aim and object.
2. Laws related to transport like airline regulations railways, road and water transport, fare and tariffs which again do not have tourism as their main aim and object but nevertheless affect tourist traffic.
3. Laws related to the accommodation like classification grading rating of hotels and lodging houses which are not specifically targeted at tourists but benefit the general public.
4. Consumer Protection Laws related to health, hygiene, service quality standards, which have only an indirect effect on tourism.
5. Laws related to land use infrastructure development which have an indirect effect on tourism growth.
6. Welfare legislation like labour laws related to employees 'working conditions, wages, which have only a remote effect on tourism.
7. Laws regarding the functioning of Tourism organizations at various levels which are more direct but there is no Parliamentary legislation on the subject.
8. Conservation related laws environment protection, Monuments, and Historical sites, which have an effect on tourism and tourist traffic.

9. Laws related to human resource development which have a remote effect on tourism
10. Laws for regulating the service providers, which through impinging on tourism are not mean to promote its growth.

It is seen from above that none of these Laws have the specific aim and object of promoting tourism and protecting rights of domestic and foreign tourists within India.

In summing up a model draft law, which needs to be enacted by Parliament, is the pressing need of the hour if tourism is to be promoted and rights of domestic and foreign tourists protected. It can believe that such model draft law can be formulated by the concerned authorities in the Central Government and placed in the public domain for informed debate and discussion.

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