

TOURISM AND LAW

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Abstract:

India has a wide range of cultures, practices, and topographies. India has much to offer travellers and visitors, from the sun-kissed beaches of the south to the snow-capped Himalayas in the north. India's travel and tourism business has been expanding consistently over the years. It is currently regarded as one of the fastest-growing parts of the Indian economy. Millions of people now have jobs thanks to the industry, which has made a major contribution to the nation's GDP.

Tourism Law is a Comprehensive Guide to Rules, regulations and Concepts is, as the title suggests, a compilation of information which would greatly facilitate all tourists in India, including foreigners, right from their entry through their exit from its boundaries. The author has made an effort to cover every aspect of a tourist's life in our country with a special focus on making information extremely user-friendly and relevant, covering a wide range of issues relating to airports, availability of general facilities and amenities, summary of rules and regulations governing customs protocols, drug, foreign exchange, gambling, safety, harassment issues and other concerns with which visitors would normally not be conversant. In this edition of book author revised the relevant laws and contact information needed to keep a traveler informed of his rights and windows to get assistance in case of need or information. He has drafted every chapter of this book with personal care and attention to ensure inclusion of finer points of existing laws and regulation along with the guidelines given by the Central Government on those areas.

Key words: *Traveler, Rules and Regulations, Industry, Economy, GDP.*

INTRODUCTION

In India culturally '*Athithi Devo Bhava*'¹ means that the guest is to be treated like God. India is an ancient & historic land which has a rich heritage, culture, diversity & traditions. With India's scenic beauty & aesthetic value becoming a huge part of its identity, it's no surprise that the no. of tourist to this land is increasing day by day.

Tourism is a major industry in India, attracting a big number of visitors, but it suffers from the lack of specific legislation. Tourism has benefited society to a significant extent by providing jobs for many people, but it has also harmed the society and the environment. Tourists can be observed causing havoc in tourist areas, polluting the environment and scribbling on monument walls, damaging public property and giving a poor name to their home nation or state. On the other hand, even in the past, travelers were not granted complete freedom; they were regarded with suspicion, and a report of their actions was periodically presented to the monarchs for

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¹ <https://www.latestlaws.com/did-you-know/tourism-laws-in-india-all-that-you-should-know>

their crimes and wrongdoings. They were punished in accordance with the laws of their respective countries and kingdoms. While most principles and ethics were considered while assigning punishments to wrongdoers, no tolerance was granted in the case of serious offences.

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

- To begin with, there are broad regulations that apply to this business in unexpected ways due to its unique qualities, such as damages for disappointment.
- Second, the industry-specific rules, ranging from historic common innkeepers and carriers doctrines to the maze of municipal, state, federal, and international regulations that presently regulate this business.

The Indian government has not enacted any tourism legislation or any central tourism legislation. However, in 2002, the National Tourism Policy was developed for the growth and promotion of the tourism industry, and it includes essential principles for protecting the interests of tourists and tourism companies.

WHAT IS TOURISM LAW?

The term "tourism laws" refers to a collection of national, state, and international laws that govern many facets and operations of the travel industry. For instance, travel legislation may include rules governing work, hospitality, or public health.

Many enthusiastic adventurers and those who enjoy travelling and discovering the unexplored beauties of the globe are drawn to the tourism sector. Numerous laws and regulations cover tourism-related enterprises and activities in the majority of countries. There are many different kinds of tourism-related laws that have been passed in numerous nations, covering subjects like tourist protection, border controls, service standards, environmental protection, preservation of historical sites and monuments, regulations of the tourism industry, and the interaction between various travel and tourism industry segments².

IMPORTANCE OF TOURISM LAWS

Tourism laws create and define seven basic concepts³:

1. Travel is a legal right.
2. Safe and adequate accommodations must await the traveller.
3. Reliable and safe transportation must be readily available.
4. All travellers should have access to such accommodations.
5. Travel and accommodation costs must be reasonable
6. Regulation of the travel and tourism industry is necessary, and

² <https://teamattorneylex.in/2023/04/13/travel-and-tourism-laws-in-india/> visited on 19-8-2023.

³ Ronaldo A. Kaiser, *Travel and Tourism Law*, 1994.

7. A redressal mechanism for transgressions of rights and regulations is necessary.

What should all be included by the tourism legislation on the bucket list is the primary issue that arises. In general, tourist law would aim to clearly and unambiguously define the duties and obligations of the various tourism-related sectors towards both the customer and the service providers. The following functional areas can be used to categorize the numerous tourism laws that have been developed or introduced around the world:

- Those related to the protection of tourists
- Those related to border controls,
- Those related to quality services
- Those related to the protection of the environment
- Those related to the conservation of historical sites and monuments
- Those related to economic development
- Those determine the relationship between various segments of the tourism industry.

Nevertheless, more and more areas are being added, such as visitor safety, health and hygiene, and privacy protection, in addition to numerous environmental laws and regulations that have developed over time.

VARIOUS KINDS OF TOURISM RELATED LAWS

Various laws govern various aspects of tourism⁴. They are as follows:

1. Environment-related

- The Indian Forest Act
- The Wildlife Protection Act
- The Forest Conservation Act
- The Air Prevention and Control of Pollution Act
- The Environment Act
- The National Environment Tribunal Act
- Coastal Zone Regulations, etc.

2. Monuments

- The Ancient Monuments Act
- Regulations made by the Archaeological Survey of India
- Guidelines issued by the Ministry of Culture, etc.

3. Accommodation

- The Sarais Act
- Department of Tourism Regulations for Categorisation of Hotels, etc.

⁴ <https://www.latestlaws.com/bare-acts/central-acts-rules/tourism-laws>

- Rent Control Act (State Specific) Public Liability Act 1991
4. **Protection of Tourists and Health**
- Indian Penal Code
 - Consumer Protection Act
 - Prevention of Food Adulteration Act, etc.
5. **Business and Commerce Related**
- The Partnership Act 1932
 - Negotiable Instrument Act 1881
 - Sales of Goods Act 1930
 - Shops and Establishment Act (State Specific)
 - Indian Contract Act, 1872
 - Health Protection Act (No Smoking Laws) 1996
6. **Related to Industries and Labour**
- 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
7. **Social and Welfare Laws**
- 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
 - Apprentices Act 1961
8. **Licenses Applicable in Hotel Liquor License Organization**
- 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
- Public Amusement License
- Video Games Parlor License

9. **Laws related to Foreign Tourists**

- Foreigners Act of 1946
- Passport Act of 1967

10. **Laws Related to Transportation**

- MACT 1988
- Baggage Amendment Rules 2006
- Motor Vehicle Act of 1988
- Aircraft Act of 1934
- The Carriage by Air Act 1972

11. **Criminal Activities related Laws**

- Indian Penal Code 1860
- Criminal Procedure Code 1973
- Evidence Act 1872
- Narcotic Drugs and Psychotropic Substances Act, 1985
- Indian Tobacco Control Act of 2003
- The Immoral Traffic (Prevention) Act, 1956

CONCLUSION

Tourism regulation is found in just a few nations across the world. There are different regulations affecting tourist operations and activities in the majority of countries. Tourist protection, border controls, quality of service, environmental protection, conservation of historical sites and monuments, tourism industry regulations, and the relationship between the various segments of the travel and tourism industry are among the various types of tourism-related laws enacted in various countries. These rules are based on a variety of sources. The demand for tourism law was often made from the perspective of the tourism sector or to safeguard the interests of foreign tourists in terms of their safety or to create service standards⁵.

However, there have been calls for laws to promote sustainable tourist growth while simultaneously preserving the interests of the host people and providing economic advantages to the local community. In India, there are

⁵ extension://efaidnbmnnnibpcajpcglclefindmkaj/https://egyankosh.ac.in/bitstream/123456789/79519/1/Unit

several regulations that impact tourism operations and activities, and as tourism experts, you must be conversant with these laws. The Indian tourism ministry has made many attempts to determine the possibility of enacting tourism laws. These initiatives, however, are still in their infancy, and nothing tangible has emerged in this area. 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. 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. 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.

