

ECOTOURISM AND LAW

By,

NAVEENCHANDRA.C.B

(Senior Research Fellow, DOS in Law University of Mysore)

Dr.RAMESH

(Professor of Law & Director of CSSEIP, University of Mysore)

ABSTRACT:

Ecotourism is entirely a new approach in tourism. Ecotourism is a preserving travel to natural areas to appreciate the cultural and natural history of the environment, taking care not to disturb the integrity of the ecosystem, while creating economic opportunities that make conservation and protection of natural resources advantageous to the local people. There is no universal definition for ecotourism, nor is there a certifying agency. Ecotourism has to be both ecologically and socially conscious. Its goal is to minimize the impact that tourism has on an area through cooperation and management and in some case it even encourages travellers to have a positive impact on their new surroundings.

Generally Ecotourism is *“Responsible travel to natural areas that conserves the environment and improves the well being of local people”* According to the World Tourism Organization tourism that involves travelling to relatively undisturbed natural areas with the specified objective of studying, admiring and enjoying the scenery and its wild plants and animals, as well as any existing cultural aspects found in these areas is defined as ecotourism.

In India many Environmental laws that is Wild Life protection Act, 1972, Forest (Conservation) Act, 1980, Environment Protection Act, 1986. And number of policies available for protection of ecotourism areas. Constitution of India also provides provisions for protection of ecotourism as well as local people. But there is not enough for to protect ecotourism areas.

The purpose of this paper is to show that the current issues of ecotourism and role of law, to look at the ways in which ecotourism can be evaluated and suggest ways to improve current ecotourism Laws and policies for the preservation of ecosystem for the future generation.

Keywords: *Ecotourism, Environmental Laws, Conservation, Constitution, Policy.*

1. INTRODUCTION:

The tourism is very old concept. The people have traveled across the world for various reasons, if we look behind all the reasons. It is bound that man's innate curiosity has led him to such travels. Man is a social animal and changing in character. Wealthy people have traveled to distant parts of the world to see monuments, works of art, to learn languages, experience new cultures, and to taste different cuisines. People have curiosity to see the wonders of the world, and in other purposes. The people who visiting for purposes of sightseeing, taking a vacation or traveling for entertainment, and leisure or people out of business, a conference, study tour or adventure and also for taking rest. In India, innumerable places are found and attract the tourists. Example kanyakumari attracts from sunrise and sunset, and mighty Himalayas are world famous places like Tajmahal, Kuthubminar, ancient palaces are attracting the tourists. Tourism at present very faster growing industry, it is also largest growing in not only in India but also in the world. Tourism is vital role played in many countries such as Egypt, Greece, Lebanon, Spain, and Thailand and many island nations such as the Bahamas Fiji, Maldives and the services industries include transportation services such as airlines cruise ships and taxicabs, hospitality services, such as accommodations including hotels and resorts and entertainment venues such as amusement parks casinos shopping malls music venues and theaters.

2. MEANING OF TOURISM AND ECOTOURISM:

- a. **TOURISM:** The word tour is derived from the Latin tornare and the Greek tornos meaning a lathe or circle. The movement around central point or axis. this meaning changed in modern English to represent one's turn the suffix ism is defined as an action or process: typical behavior or quality while the suffix ist' denotes that performs a given action , when the word tour and the suggest the action of movement around a circle. One can argue that a circle represents a journey in that it is a round trip that is the act of leaving and then returning to the original starting point and therefore one who takes such a journey can be called a tourist².

The word Tourist is originally traced to 1292 A.D, it is believed to had been derived from the Latin word Tornos, its meaning that a tool for describing a circle or a turners wheel it may have come to be used to denote a person undertaking a journey, which entitled a circuitous route³.

² .Theobald, wiliam.F-Global tourism 2nd edition,. Oxford (England) Butterworth. 1998

³.History and tourism-vijayalakshmi k.s. 1st edition, -koji publications. 2005

b. ECOTOURISM: Ecotourism is entirely a new approach in tourism. Ecotourism is a preserving travel to natural areas to appreciate the cultural and natural history of the environment, taking care not to disturb the integrity of the ecosystem, while creating economic opportunities that make conservation and protection of natural resources advantageous to the local people, which was originally sparked off by the idea of making harmonious co-existence with nature a reality once again. As defined by the Ecotourism Society, it is the responsible travel to natural areas, which conserves the environment and sustains the well-being of local people. Today, ecotourism is one of the fastest-growing tourism industries. Its potential for growth is virtually unlimited. Any tourism program, which is: nature – based, ecologically sustainable, where education and interpretation is a major concept and where local people are benefited can be called ecotourism. The International Ecotourism Society (TIES) defines ecotourism as “*responsible travel that conserves the environment and sustains the well - being of local people*”. Clearly, at a time when traditional conservation through enforced protection of natural areas was being questioned for its effectiveness and social impacts, strategies such as ecotourism offered considerable potential for integrating conservation with development.

Eco-Tourism is responsible tourism, Jungle tourism and sustainable development have become prevalent concepts since the late 1980s, and ecotourism has experienced arguably the fastest growth of all sub sectors in the tourism industry. The polarity represents a change in tourist’s perceptions increased environmental awareness and a desire to explore natural environment.⁴

The World Tourism Organization also defines the ecotourism, tourism involves traveling to relatively undisturbed natural areas, with the specified objective of studying, admiring and enjoying the scenery and its wild plants and animals as well as any existing cultural aspects (both the past and present)found in the areas is defined as ecotourism. An optimum number of environment friendly visitor activities, which do not have any serious impact on the ecotourism and local community and the positive involvement of the local community in maintain the ecological balance are some of its key elements.

3. WHY ECOTOURISM IS IMPORTANT?

Ecotourism is a growing segment of the global tourism industry that is making significant positive contributions to the environmental, social, cultural and economic well-

⁴ .Randall, A-Resource economics 2nd edition, Newyork.USA.,1987

being of destinations and local communities around the world. Offering market-linked long-term solutions, ecotourism provides effective economic incentives for conserving and enhancing bio-cultural diversity and helps protect the natural and cultural heritage of our beautiful planet. By increasing capacity-building opportunities, ecotourism is also an effective vehicle for empowering local communities around the world to fight against poverty and to achieve sustainable development. Furthermore, ecotourism has provided an impetus to assist in greening the tourism industry on many fronts.

4. CHARACTERISTICS OF ECOTOURISM

Ecotourism is a big financial sector of the all over the country it is major industry of the some developed countries. The ecotourism characteristics are as follows,

- 1) Involves travel to natural destinations
- 2) Minimizes impact
- 3) Builds environmental awareness
- 4) Its provides direct financial benefits for conservtion⁶
- 5) Its provides environmental benefits and empowerment of local people.
- 6) Respect local culture.
- 7) Its supports human rights and democratic movements. In addition, ideally ecotourism should satisfy several criteria.⁷ That is, Conservation of biological diversity and cultural diversity through ecotourism protection. Minimization of tourism's own environmental impact and local culture, flora and fauna being the main attraction.

5. DEVELOPMENT OF ECOTOURISM:

India has consistently included environmental and ecological safeguards in the development of ecotourism in order to avoid gross commercialism. Opening ecological areas for tourism is generally done after careful assessment of carrying capacity to ensure that nature's bounty is not destroyed. India has also always tried to ensure that tourism does not impinge on the culture and heritage. In general, a sound and sensitive environmental approach is adopted to tourism development planning and is integrated with other activities to ensure the following:

⁶ .Morth honey-Ecotourism and sustainable development: who owns paradise? 2nd edition island press. pp29-31

⁷ .Wight. P.A.- ecotourism : ethics or ecocell, journal of travel research, pp31,1993

1. Levels of development are to be compatible with the general capacity of the physical environment and resources.
2. Sufficient facilities and services need to be provided to serve tourists and the local population.
3. Hotel rooms must be distributed in such a manner that the natural characteristics and qualities of the area are enhanced.
4. The three dimensional manifestation of tourism development should be designed carefully and with a sensitivity that merges with the surroundings and enhances the natural beauty.
5. Architectural heritage sites and other areas of historic value are to be adequately protected.

In the initial years of ecotourism development, greater emphasis was given to the development of tourism in the Himalayas and the deserts. One of the earliest projects was the Gulmarg Winter Sports Resort. However, the focus has been on the provision of basic minimum facilities for visits by eco-friendly tourists to the hills, national parks and wildlife sanctuaries. Forest lodges and viewing towers were provided in some of the important sanctuaries along with transport facilities in the form of jeeps and elephants. There are several interesting trek routes of varying difficulty in the Himalayas. Facilities like camping sites, trekkers' huts, tents and trekking equipment are provided to encourage the development of a few of these routes and promote trekking tourism. Several bodies of water including lakes, backwaters and seas constitute major sources of tourist attractions. Facilities like houseboats, water sports equipment, glass bottom boats, hovercraft, etc. are provided to benefit tourists. Landscaping and upgrading the environment of parks, gardens and other natural areas has been another stream of developmental activity associated with ecotourism. Creation of public conveniences and roadside amenities was also given considerable importance in the development process. Some recent initiatives in the development of ecotourism include the establishment of a resort in 1988 with 70 beds at Bangaram Island in Lakshadweep with private sector participation. The clear seawater, abundant marine life and corals provide an ideal setting for enjoying nature's beauty. The Coconut Grove at Kumarakam and Spice Village at Thekady in Kerala are some new additions to India's ecotourism resorts. These are private enterprises, which specialize in providing experiences with nature in full measure.

India has also been aware of the importance of preparing master plans for the sustainable development of tourism. A study on the sustainable development of tourism at Andaman and Nicobar Islands is now underway with the assistance of UNDP and WTO. Similar studies are also being considered in other areas identified for resort development.

6. LEGAL REGIME OF ECOTOURISM IN INDIA

India is the land of varied geography offers several tourist destination that not just distress but also rejuvenate us there are several ways to enjoy mother nature in the most pristine way, the few places like the Himalayan region, Kerala, north east India, Andaman and Nicobar island and the Lakshadweep islands are some of the places where we can enjoy the treasured wealth of the mother nature “thenmal in Kerala” is the first planned ecotourism destination in India created to cater to the ecotourists and nature lovers.

The legal response on ecotourism in India, there is no any specific law on ecotourism, although some provisions of constitution of India and other environmental basis laws are preventing the pollutions of ecotourism areas.

A) CONSTITUTIONAL PROVISIONS:

The constitution of India is the basic of law of India. Its provides so many provisions in protecting environment.

Article 253 of the constitution provides that parliament power to legislate for giving effect to treaties and international agreements in respect of development of any of the sector like environment areas.

Article 244 of the constitution of India provides that for notifying certain indigenous people as scheduled tribes and areas that are occupied by indigenous people as schedule areas, that people’s rights are protected and also in fifth schedule of the constitution of India provides protection to the indigenous people living in the schedule areas and gives them the right to self rule. It also re enforces the rights of the indigenous people to territorial integrity and decide on own path of development.

Article 243g directs the central and state government machinery to endow panchyaths and municipalities with such powers and authority as may be necessary to enable then to function as institutions of self-government, with respect to the preparation of plan of economic development and social justice. 73rd and 74th amendments of the constitution of India, gives right to develop socio-economic development as well as protects to environment.

*In Virnder gour vs. state of Haryana*⁹

The Supreme Court observed that, the Article 21 of the constitution of India includes right to protection and preservation of good environment, ecological balance and pollution free environment.

⁹ AIR(1995) 2SCC 577

*In Sachidnanda pandy vs. state of West Bengal*¹⁰

The supreme court observed that five star hotels of west Bengal to must take additional precaution for to protect the environmental pollution and hotel could not be disturbing to the migratory birds and other species, therefore precautionary measures must be taken and need to preservation of ecological balance.

B) ENVIRONMENTAL RELATED LAWS:

In India environmental related law's provisions also gives protection measures to the ecotourism areas in India Ecotourism is also consider as environmental tourism. On this regard in India, so many laws made for protection of environment as well as ecotourism.

The forest(conservation)act 1980, the law provides conservation of forest land for 'non-forest activity' and the environmental (protection)Act,1986 provides that, too many important notifications that are closely linked to the development of ecotourism that i.e. the coastal regulation zone notification,1991 and environmental impact notification,2006, these notifications are very advantages of the protection of ecotourism.

- **COASTAL REGULATION ZONE MANAGEMENT 1991**

The coastal zone management 1991 is an important piece of legislation guiding anthropogenic activities along with the coast. However, twenty amendments have been to the notifications over the years, which have diluted and rendered many of the protective clauses meaningless.

- **ENVIRONMENT IMPACT ASSESSMENT NOTIFICATION 2006:**

This notification has totally omitted environmental impact assessment for required tourism, projects as against its predecessor, the notification of 1991, that environmental impact assessment of tourism projects. India has legislation to protect untouched ecologies and sensitive eco-systems. Some important laws are the three following:

- 1) The Forest (Conservation) Act, 1980 controls the use of forests for non-forestry uses.
- 2) The Wildlife (Protection) Act, 1972 designates the national parks and wild life sanctuaries and stipulates a comprehensive framework for wildlife protection and conservation. The act permits tourism in protected areas along with scientific research and wild life photography. However, the character and volume of tourism in protected areas has changed considerably

¹⁰ AIR 1109, 1987 SCR (2) 223

since this law was framed, hence there is an urgent need to amendments of this act or at least bring out guidelines that regulate the tourism and tourism activity in and around the protected areas.

3)The Environment Protection Act, 1986 stipulates several measures for protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution. Coastal Regulation Zones (CRZ) were gazetted by a notification under the Act in 1991 and wide ranges of activities have been prohibited within 500 meters of the high tide line. In addition, the Department of Tourism has been developing a national policy and guidelines for the development of tourism in forests, deserts and marine systems. Once formulated, these guidelines would be implemented to ensure the sustainability of ecotourism development.

7. CONCLUSION:

On the positive side, tourism has some immediate social benefits. Families are not disrupted as people in the tourist areas get jobs nearer to their homes. Migration to urban areas is halted. Tourism may lead to redistribution of wealth from rich areas to the poorer area. Tourism, which is welcomed initially, can become an irritant for local people, if the influx exceeds the limits of tolerance. It can cause social tensions in the host nation by providing the essential economic underpinning of the local population's employment and welfare services. Most forms of ecotourism are owned by foreign investors and corporations that provide few benefits to local communities as an overwhelming major part of profits are put into the pockets of investors instead of re-investment into the local economy or environmental protection. The limited numbers of local people who are employed in the economy enter at its lowest level and are unable to live in tourist areas because of meager wages and a two market system. However, the international nature of tourism creates many obstacles for localities wishing to maintain control of their tourism industry. Too often, local people have neither the political power nor the business connections to compete at an international level with metropolitan tour agencies. Nevertheless, ecotourism's rapid growth has attracted the attention of many people and communities in low-income countries. In these, there is need, some effective laws for protecting ecotourism areas.

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