



## **ENVIRONMENT LEGISLATION IN TOURISM: A STUDY OF TOURIST'S AND HOST'S PERSPECTIVE**

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### **ABSTRACT**

Tourism industry has attained prestigious position owing to its rapid and spectacular growth over the last few decades but ironically, with the rapid development of tourism all over the world; lots of the people and environmentalist are becoming more and more concerned about its impact on environment. PATA and WTO have devoted a full time conference at Bali in 1993, to discuss the relationship between tourism and environment. As a result many countries have enacted the laws relating to preservation of environment. India is one of such nations, which have enacted such legislation and has set up a separate Ministry of Environment and Forest to monitor the land use from the environmental perspective. Over the years, there has been a considerable growth in the field of environmental law. Environmental Tribunals, Green Benches and a National Environmental Appellate Authority have been constituted, while the mandatory Public Hearing is a new and welcome development. Moreover,, legislation can be one of the efficient control mechanism to maintain harmonious relationship between tourism and environment.

Therefore in this context, present study is an effort to study environment legislation vis-à-vis their importance and effectiveness in tourism development. In the study, both awareness and effectiveness has been found bellow the mid value ( $d=3$ ), which indicates that both tourists and hosts are not aware of the various environment laws and even these laws are not effective in implementations. Therefore it is suggested that these is a need to make existing laws more effective together with enhancing the awareness regarding the importance and relationship between tourism and environment among the tourist as well as hosts.

**Key Words: Environment, Legislation, Awareness and effectiveness.**

## **1. Introduction**

Tourism industry has attained prestigious position owing to its rapid and spectacular growth over the last few decades and today it has been recognized as a significant factor in the economy of many nations especially in the developing countries like India. Undoubtedly, it has multifarious advantages as tourism acts as a catalyst for overall socio-economic development when it grows little by little (Puspa, 1996). It pumps the economy of both host as well as destination countries in terms of national income, foreign exchange earnings, multiplier, GDP and so forth. Even apart from economic contribution, it boosts social development in terms of employment generation, national integration, international understandings, image building and above all infrastructural development. However, ironically the rapid growth and development of tourism in the 20<sup>th</sup> century has produced both problems and opportunities and its impacts have been seen both positive as well as negative. Infact, impacts of the tourism can be explained as the changes in the destination areas, which occur as a result of industry. These changes can be of various types but generally speaking these impacts can broadly be grouped into three categories i.e. economical, social and environmental. In reality these can overlap as all these three can occur simultaneously. The degree and intensity of the impact depends upon the level of the contact between tourist and host, the stage through which the destination is passing through, type of tourism activity, seasonality, degree of local control over the industry, local participation, type and scale of the development, characteristics of the destination area and the policy context in which tourism occurs.

Tourism is an important tool for overall development. It provides a source for income and employment generation and simultaneously brings infrastructural developments that help in regional development. In order that tourism development be environment friendly and that economic environment should also remain friendly, it must ensure that i) level of tourism activity is such that tourists will be pleased and will continue to visit the areas, ii) the economy of the area itself can absorb and make good use of the resources generated, and iii) the resources of the area are not spoiled or unnecessarily depleted (Singh,1990). In order that tourism emerges as a

healthy and viable economic activity, it should be integrated with regional and local development planning (Singh, 1985) Growth and development of tourism should be preceded by appropriate planning strategies. There are variety of ways in which one can look at tourism and socio-economic development. The development of the tourist product is inextricably linked to the contribution that tourism development can make to general economic development (Cooper, 1993). The development of tourism to some extent is determined by the type of tourist activity, which is partly determined by socio-economic characteristics of the tourist. Similarly, the type of the tourism product will determine the economic and sociological impact of tourism on host population.

Realizing the problems and the opportunities which tourism brings with itself, the governments have now understood that tourism is not merely useful mean of adding to nation's wealth but also brings serious long terms problems which without control and planning can escalate to a point that threatened the society. Therefore, number of studies have been conducted on the impact analysis and assessment covering a wide range of topics such as beaches, mountains, forests, wetlands, aquatic systems, soils, vegetation, water, wildlife, landscape etc. Infact, studying tourism impacts and conducting research on the factors affecting tourism and environment become important in number of ways as it helps to develop strategies that can lead towards sustainable development.

Ironically, with the rapid development of tourism all over the world, lots of the people and environmentalist are becoming more and more concerned about its impact on environment. PATA and WTO have devoted a full time conference at Bali in 1993, to discuss the relationship between tourism and environment and have laid down some guidelines. As a result many countries have enacted the laws relating to preservation of environment. India is one of such nations, which have enacted such legislation and has set up a separate Ministry of Environment and Forest to monitor the land use from the environmental perspective. Environment today, has acquired a broad definition. It includes land, air, water, flora and fauna but also encompasses people their creation, social, economic and cultural conditions that may affect their lives (Learner, S.C., 1977). Environment whether natural or man-made is an essential component of tourism. Modifications are unavoidable if we have to promote and

develop tourism, but these modifications should be done aesthetically and without greed applying the principle of conservation. Conservation really means effective use of resources. It implies safeguarding the visual beauty of the countryside. Conservation of wildlife means survival of all living things – flora and fauna, providing them ample space to live, grow and breathe natural air.

Tourism can be a boon to any country, especially to a developing country like India. But, ironically, India is already facing problem related to environment mainly due to pollution and partly due to tourism, Dal Lake in Kashmir proves our point. Tourism in the present form is hardly 50 years old. The impacts on ecology in fact began with industrial revolution followed by population explosion, extraction of coal and minerals, pumping out natural oil by drilling the earth's surface and laying several areas exposed like open wounds. Apart from these toxic effluents from industrial waste flowing through rivers and oceans further lead to water, air and soil pollution. Tourism is also a factor affecting the environment. Environment whether natural or manmade, is the most fundamental ingredient of the tourism product. However, with the tourism activity, the environment is inevitably affected or modified either to facilitate tourism or during the tourism process. Tourism affects the environment by the following ways:

- Unplanned growth of tourism especially unplanned construction near beaches, mountains, hills, near heritage buildings, monuments etc.
- Soil erosion and deforestation due to over construction
- Air, water and noise Pollution because of automobiles, airlines, ships and cruises etc.
- Littering and garbage done by trekkers, mountaineers and tourist.
- Hunting of animals.
- Overcrowding at popular beaches, mountains, treks, wildlife sanctuaries and national parks etc.
- Waste caused by the hotels and other allied industries leading to water, air and soil pollution.

Although it is not possible to develop tourism without incurring environmental impacts, but it is possible with efficacious planning to manage tourism development in order to minimize the negative impacts and encouraging

positive impacts. In this context of preservation and conservation of environment, sustainable tourism development has been measured to a great success. Infact, the word sustainable development was used first time in Cocoyoc Declaration on environment and development in the early 1970's, since than it has become trade mark of international organizations dedicated to achieve environmental benign or beneficial development (Michael,Redcliff,1987). Sustainable development means an integration of developmental and environmental imperatives.. To be sustainable, development must possess both economical and ecological sustainability. It indicates the way in which development planning should be approached (Singh, Gurdip, 1995). The environment and development are the means not ends in themselves. The environment and development are for people, not people for environment and development (Michael,Redcliff,1987). Infact the idea is that for the benefit of future generations, present generations should be modest in their exploitation of natural resources ( Meihard, Schroder,1995). The Brundtland Report (worlds commission on Environment and Development, 1987) defines sustainability as “meeting the needs of the present without compromising the ability of future generation to meet their own needs” (Kirkby,S.J.,1995). Concept of sustainability demands a long-term view of tourism and ensures that consumption of tourism does not exceed the ability of the host destination to provide for the future tourist. Sustainable tourism is positive approach intended to reduce tensions and frictions caused due to complex interactions between the tourism industry, the visitor, the environment and the communities which are host to holiday makers. It involves working of the long-term viability and quality of natural and manmade resources. Sustainable tourism development contributes to human well being while maintaining harmony with environment as it implies preservation and conservation of tourist resources, preservation of national heritage and conservation of natural environment.

Since, environment being the integral component of the tourism industry, there is a direct correlation between the tourism and environment. Though the tourism's impact on tourism largely depends on the physical and environmental characteristics of the destination. However, the construction of tourist facilities and infrastructural development is frequently environmentally very destructive, but many of ecological interferences

are less attributable to tourism than to lack of planning and haste in development (Rajottee,F.,1977). Therefore to achieve sustainable tourism development, it is necessary to measure carrying capacity, limits of acceptable change and promote environment friendly tourism such as eco tourism, soft tourism, alternate tourism, heritage and cultural tourism etc. Apart from there is a need to make existing laws more effective together with enhancing the awareness regarding the importance and relationship between tourism and environment among the tourist as well as hosts. Over the years, there has been a considerable growth in the field of environmental law. Environmental Tribunals, Green Benches and a National Environmental Appellate Authority have been constituted, while the mandatory Public Hearing is a new and welcome development. Moreover,, legislation can be one of the efficient control mechanism to maintain harmonious relationship between tourism and environment. Therefore in this context, present study is an effort to study environment legislation vis-à-vis their importance and effectiveness in tourism development.

## **Section –II**

### **RESEARCH DESIGN AND METHODOLOGY**

Realizing the significance of environment in the tourism process, an attempt has been made through this study to understand the significance and importance of environment legislation in the process of tourism development in terms of following objectives and methodology:

#### **Research Objectives :**

- i) To study the existing environmental laws related to tourism in India.
- ii) To examine the level of awareness regarding environmental laws among the host and tourist.
- iii) To measure the effectiveness of the existing laws for environmental protection and conservation.
- iv) To suggest the ways and options to make existing legislations more effective.

#### **Research Methodology:**

The study is based on primary and secondary data. The secondary data has been used for compiling various environment laws relevant in tourism. For assessing the awareness and effectiveness of the laws, primary data has been used in the study. The primary data was collected through a convenience sample survey of tourists and hosts of J&K state during the various seasons in one year i.e. from Jan to Dec 2006. For a survey a total sample of 400 tourists and residents were selected comprising 200 tourists and 200 residents were approached. Out of total selected sample 119 tourists (59.5%) and 156(78%) agree to participate in the survey and returned the completed questionnaires. The survey is collected at the various tourists attractions of both Jammu and Kashmir regions. These locations were chosen as it was felt that they could provide a reasonable representation of the target populations i.e. tourists and hosts. The survey instrument was self-administered two-part questionnaire. The questions in the first part of the survey asked about respondent's socio-demographic profile i.e. gender, qualification, marital status and tourist/hosts. In second part, 6 major laws are identified by the researcher keeping in view their importance and relevance in tourism development, these include Environment Protection Act (1986), The National Environment Appellate Authority Act, The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981, 'Wild Life (Protection) Act, 1972, 'Indian forest Act 1927& Forest Conservation Act 1980 . To evaluate the awareness and effectiveness regarding these laws respondents used 5 point Likert scale to rate their opinion i.e. for awareness; 1- Not aware at all, 2- partially aware, 3-moderately aware, 4- sufficiently aware and 5- fully aware and for effective implementation; 1- Not implemented effectively, 2-Poorly implemented, 3-averagely implemented, 4-fairly implemented and 5- implemented effectively. Finally the questionnaire also identifies the reasons, if there is poor implementation. The data collected is analyzed using various statistical tools and techniques that includes percentage method, mean, Standard deviation and t-test etc.

### **Section III**

#### **ENVIRONMENT LEGISLATION IN TOURISM:**

Some of the important laws having significance in the process of tourism development are discussed as under:

### **KEY POLICIES**

There are three key policies relating to environmental protection in India. They are:

- The National Forest Policy, 1988
- Policy statement for Abatement of Pollution, 1992
- National Conservation Strategy and Policy Statement on Environment and Development, 1992

### **DIFFERENT STATUTES/ LEGISLATIONS**

The different statutes & legislations enacted in India exclusively for environment protection are

The Water (Prevention and Control of Pollution) Act, 1974

The Water (Prevention and Control of Pollution) Rules, 1975

The Water (Prevention and Control of Pollution) Cess Act, 1977

The Water (Prevention and Control of Pollution) Cess Rules, 1978

The Air (Prevention and Control of Pollution) Act, 1981

The Air (Prevention and Control of Pollution) Rules, 1982

The Environment Protection Act, 1986

The Environment (Protection) Rules, 1986

Hazardous Wastes (Management and Handling) Rules, 1989

Manufacture, Storage and Import of Hazardous Chemical Rules, 1989

The Forest Conservation Act, 1980

The Forest (Conservation) Rules, 1981

The Wildlife Protection Act, 1972

The Wild Life (Transactions and Taxidermy) Rules, 1973

The Wild Life (Stock Declaration) Central Rules, 1973

The Wild life (Protection) Licensing (Additional Matters for Consideration) Rules, 1983

The Wild Life (Protection) Rules, 1995

The Wild Life (Specified Plants - Conditions for Possession by Licensee) Rules, 1995

The Public Liability Insurance Act, 1991 etc.

The Public Liability Insurance Rules, 1981

The National Environment Tribunal Act, 1995

The National Environment Appellate Authority Act, 1997

Though there are more than two hundred laws dealing with environmental protection both before and after independence in India. However, the pre-independence laws have not dealt with environmental protection exclusively and some of the major environment laws having impact on the tourism industry are explained as under.

## **(A) ENVIRONMENT PROTECTION AND LAW**

### **i) Environmental Protection Act, 1986 (E.P.A.)**

How are the terms "environment", "environmental pollutant", "environmental pollution" and "hazardous substance" defined under the E.P.A. 1986?

According to Section 2 of *E.P.A.*

**a) "Environment"** includes water, air and land and the inter- relationship which exists among and between water, air and land, and human beings, other living creatures, plants, micro-organism and property.

**b) "Environmental pollutant"** means any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment.

**c) "Environmental pollution"** means the presence in the environment of any environmental pollutant.

**d) "Hazardous substance"** means any substance or preparation which, by reason of its chemical or physics-chemical properties or handling, is liable to cause harm to human beings, other living creatures, plants, micro-organisms, property or the environment.

Environment Protection Act, 1986 is the most comprehensive act on the Indian Statute in relation to environment protection. It was enacted under article 253 of the constitution. It extends to the whole of India and came into force on 19th Nov 1986. It highlights

1. General measures to protect environment, central government has armed with considerable power necessary for preservation, control and abatement of environment pollution. [Section 3(1)]
2. Central government may constitute an authority or authorities to exercise powers and perform functions for the effective implementation of these plans. [Section 3(3)]
- 3) Restriction of industrial and other processes or activities in specified areas. [Section 3(2)(v)]
3. Section 6 of Environment Protection Act 1986, also gives the power to the central government to make rules to regulate environment pollution such as maximum allowable limit of concentration of pollutants, standards of quality of air, water or soil and procedure and safeguards for handlings of hazardous substances.
4. This act also permits the central government to appoint or recognize qualified persons as government analyst and to give powers of inception of any place for the purpose of examining and testing any equipment, industrial plant, record, register, or document and make such seizures as its necessary to present or mitigate environment pollution. Further, for inspection or examination or for testing, central government may establish or recognize one or more laboratories under this act. [Section 10,11,12,13]
5. If it is proved that company or government department has committed the offence with the consent or connivance or negligence of any offences than such offences are deemed to be guilty and liable for punishment. [Section 17,18]

## **ii) The National Environment Appellate Authority Act, 1997**

On 30th Jan, 1997 under act 123 of the constitution of the India promulgated an ordinance to provide for the establishment of National Environment Appellate Authority to hear appeals with respect to restriction of areas in which any industries, operation or processes shall not be carried or carried out subject to certain safeguards under Environment Protection Act 1986 (EPA, 1986).

1. The act provides powers to the central government to establish a body known as National Environment Appellate Authority that shall exercise the powers and perform the function assigned to it under this act. [Section 3]
2. The authority shall comprise of chairperson, vice-chairperson, and maximum three other members that shall be appointed by the president. [Section 4 & 5].
3. Any person who feels aggrieved by an order granting environment clearance for any industry, operation or process may file appeal to the authority within 30 days from the date of such order. The authority is required to dispose of the appeal in 90 days from date of filing of appeal. However, the authority may for reason to be recorded in writing extend the period of the appeal with in a further period of 30 days. [Section 11]
4. Section 20 of Act confers powers on to the central govt. to make rules by way of notification for carrying out the provision of the Act.

## **(B) Pollution Control and Law**

### **i) The Water (Prevention and Control of Pollution) Act, 1974.**

“Water” being the state subject the Parliament can exercise the power to legislate on “water” only under article 249 and 252 of the constitution of India. Accordingly the parliament enacted the water (Prevention and control of pollution) Act, 1974, (hereinafter cited as water Act) the water Act represents one of the India’s first

attempts to deal with environmental issue comprehensively. The water Act was first amended in 1978. It was again amended in 1988 to conform to the provision of the environment Protection Act, 1986.

1. According to section 3 & section 4 of the Act, central and state government shall constitute Central Pollution Control Board and State Pollution Control Board respectively.
2. The main function of these Boards is to promote cleanliness, advice central and state govt. on matter related to water pollution, provide technical assistance and training program and lay down standards and perform such other functions as may be prescribed (section 16 and 17)
3. Under the water Act different penalties have been prescribed for violating different provisions of water Act. Sections 41 to 45-A are relevant provisions in this regard.
4. The central government in execution of the powers conferred by section 3 (1)&(3) of Environment (Protection) Act, 1986 constituted an authority known as “Water Quality Assessment Authority with secretary, Ministry of Environment as chairperson for a period of three years w.e.f.22.06.01.
5. The authority shall exercise power under section 5 of Environment Protection Act, 1986 for issuing directions and taking measures for carrying out investigations and research related to environment pollution, establishment of environment laboratories, collection and dissemination of information.
6. The authority also exercises the powers under section 19 of Environment Protection Act,1986 which related to cognisance of offences.

**(ii) The Air (Prevention and Control of Pollution) Act, 1981.**

The Air (prevention and control of pollution) Act 1981, (in short Air Act) was enacted by the Parliament under Article 253 of constitution, which was an outcome of United Nations conference in Human Environment held at Stockholm in June 1972

1. Under the Act, central pollution control Board and State Pollution Control Board as constituted under section 3 and 4 of water Act shall also exercise the powers and functions for the prevention and control of air pollution under Act (section 3)

2. Chapter third containing sections 16 to 18 deals with the powers and functions of central and state Boards which includes prevention and control of air pollution, advice central and state govt.'s, plan and organize nation wide programs for the prevention and control of air pollution, plan and organize training programs, collect, compile and publish technical and statutory directions and do such other things and function as it may think necessary for the proper discharge of its functions.
3. Section 19 to 31-A deals with the different measures which can be taken to prevent and control Air Pollution such as power to declare Air Pollution Control Area, power to give instructions for ensuring standards for emission from automobile, power to give permission to operate industrial plants in an Air Pollution Control Area, power of entry and inspection, power to obtain information, power to take sample of air etc.

However, apart from above discussed laws there are many other laws and rules which directly or indirectly help in protecting environment such as Hazardous waste Rules 1989, Manufacture, Storage and Import of hazardous chemicals Rules 1989, the Chemical Accident (emerging planning preparedness and response) Rules 1996, the Bio Medical Waste Rules 1998, Recycled plastics manufacture and usage rules 1999, Ozone depleting substances (Regulation and control) Rules 2000, Batteries (management and handling ) Rules 2001, Destructive insects and pests Act 1974, Fisheries Act 1897, Rubber Act,(1947), Tea Act,(1986), Spices Board Act (1986), Coconut Development Board Act (1979)etc.

### **C) Wild Life Protection and Law**

**i) Wild Life (Protection) Act, 1972** Wild life (protection) Act, 1972 passed by the Parliament under Article 252 of the constitution at the request of eleven states. And by 1991 amendment to the Wild Life Act, the Parliament has extended the Act to whole of India except the state of J&K, which has its own Wild Life Protection Act similar to National Law. This Act was finally amended in 2002 which (hereinafter referred as

Amended Act of 2002) ( Jindal,B.R.& Jaswal P.S., & Gupta, Usha, 2001; and Wild life Protection Amendment Act, Gazette of India,2002)

1. As per section 5 of Amended Act of 2002, the central government shall constitute National Board for Wild Life with Prime Minister as Chairperson and other members with an objective to promote the conservation and development of wildlife and forests and further National Board may constitute committees, sub-committees and study groups for the proper discharge of functions assigned to it. On the similar lines the state governments shall constitute State Board with the Chief Minister as Chair Person and other members.
2. This Act provides restriction or prohibition on hunting of wild animals specified in schedule I, II and III (section 9) except in case of any wild animal becomes dangerous, disabled or disease beyond recovery.
3. As per section 18, 35 and 38 of the Act, state government and central government may declare or constitute any area other than area comprised within reserved forest as a Sanctuary. If the area is of adequate ecological, faunal, floral, geomorphologic, natural or zoological significance. Further State and Central government can declare area whether within or outside Sanctuary as a National Park for the purpose of protecting, propagating or developing wild life there in or its environment.
4. As per Section 33 of the Act, the chief wild life warden shall be the authority who shall control, manage and maintain all sanctuaries.
5. Section (38-A to 38-J) says that central govt. may set up Zoo Authority for the control of Zoo and captive breeding.
6. As per the Act, there is a control of trade and commerce in wild life, animals, articles and trophies. (Section 39)

## **D) Forest Conservation & Law**

### **i) Indian Forest Act 1927**

Indian Forest Act 1927 contains 86 Sections and it deals with four categories of forests namely Reserve forest, Village forest, Protected forest and Non govt. forest (Paras Dewan 1987) and (Chaturvedi R.G. and Charurvedi M.M, 1994).

1. The Act empowers the state govt. to constitute any forestry land or wasteland as reserved forest and to issue notification in the official gazette. (Section 3 and 4).
2. The Village forests are established when state assigns to a village community rights over any land, which has been constituted a reserve forest. The rules may also assign duties to the village for the protection and improvement of forest. (Section 15 and 28 )
3. The state government has also the powers empowered to declare any forest land or waste land which is not included in reserve forest but in which the govt. has the proprietary right or rights to any part of the forest products as protected forests (section 29)
4. The Act covers non-govt. forests also. The state govt. can by notification regulate or prohibit the breaking up or clearing of land for cultivation, the pasturing of cattle or the firing or clearing of vegetation to protect against storms, floods, avalanches, to preserve soil from erosion, to maintain springs, rivers, and preserve public health. This Act also authorizes State government to acquire private land for public purpose under Land Acquisition Act, 1894.

#### **ii) Forest Conservation Act 1980**

1. This act has been passed with a view to check deforestation, which has caused ecological imbalance and this has led to environment deterioration. Forest Conservation Act, 1980 came in to force on 25th Oct, 1980
2. Section 20 of the act deals with prohibition and regulation of non-forest use of forestland.

#### **Guidelines for the Environment Protection:**

Some of the guidelines for the environment protection by the different organizations

**“Tourist Development Council”** in a resolution passed in 1972 at Goa requested the government of India to take steps to ensure that

- 1) Any new construction in the vicinity of monuments should meet aesthetic requirements.
- 2) Any unnecessary interference from electric lines, power plants, petrol stations, and advertisement hoardings be avoided.
- 3) Special care should be taken for preventing air, water pollution working of mines and quarries, dumping domestic, commercial and industrial waste in vicinity of monuments.
- 4) Deforestation of the area around monuments be avoided.
- 5) Financial assistance be given to state govt., local bodies and NGO’s to improve and beautify roads and environment of monuments and other places of tourist interest.
- 6) Any construction near vicinity of important monuments may be done only after clearance from archaeological survey of India and DOT.

**Himalayan Board**, a government funded body has issued the following guidelines for tourist, trekkers and mountaineers visiting Himalayas (Seth P.N, 1997).

1. All litter must be deposited in the litter boxes kept for this purpose.
2. People going on mountain treks must not throw litter on the way. In course of time, heaps of litter becomes an eye sore for a person who may come the same way later. It is happening to our Himalayas.
3. Visitors going to monuments must not carve their names or initials on the walls.
4. Noise pollution is not less harmful than air or water pollution. Honking must be avoided.
5. It is absurd to disfigure historical and ancient statues, depriving our children of the privilege of seeing these great works of art in their original glory.
6. Smuggling and stealing of ancient statues and artefacts have become common due to the high

prices of such precious treasures. Tourists and the local residents must remain alert to such vandalism.

- 7) Sea beaches were formed over thousands of years and we must not ruin them by our rash actions. Tall, multi-storeyed buildings on the beachfront affect the structure of the beaches, sometimes leading to the disappearance of the beach itself.
  
- 8) Industrial waste should not be allowed to flow into the rivers, thereby killing marine life and depleting water resources. Our sacred Ganga has been so polluted due to industrial and city wastes that the govt. of India is now spending crores of rupees to clean it, though not very successfully.
  
- 9) Every resort or a tourist spot has its carrying capacity. If the carrying capacity is exceeded without planned and well thought out expansion, it spells ruin for a place. Our hill resorts like Shimla, Kullu, Manali, Mussorie, Nainital, Shillong and Darjeeling are in no position to cope with the hordes of visitors which turn up every summer. Alternate resorts have to be developed for the increasing number of tourists.

**Section IV - FINDINGS, CONCLUSIONS AND SUGGESTIONS:**

**4.1 Description of the Respondents:**

The study is limited to the tourists and hosts of J&K. A profile of the respondents is depicted in table 4.1.

**Table 4.1**

Description of Respondents		Total Respondents: 252
Description	No of Respondents	Percentage of Respondents

<b>a) Gender</b>		
i) Male	168	66.67
ii) Female	84	33.33
<b>b) Marital Status</b>		
i) Single	130	51.59
ii) Married	122	48.41
<b>c) Qualification</b>		
i) Under Graduate	115	45.63
ii) Graduate & Above	137	54.37
<b>d) Category of Respondents</b>		
i) Tourists	116	46.03
ii) Locals	136	53.97

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Of the total 252 respondents, majority of the respondents are males i.e.168 (66.67%) and rest 84 (33.33%) are females. On the bases of marital status, 130 accounting for 51.59 % are married in comparison to singles, who are 122 (48.41%). The educational qualification has almost equal numbers in subgroups i.e., 115(45.63%) undergraduates as compared to 137(54.37%) respondents who are graduates and above. Though, an effort was made to have equal number of respondents in both the categories i.e, tourists and locals but more locals/hosts 136(53.97%) are surveyed in the study compared to tourists i.e 116(46.03%) and even this number was achieved after a constant persuasions and repeated efforts made to approach the tourists, may be it was so because tourists were found more busy due to scarcity of time, whereas locals were found more participative in owing to their understanding regarding the benefits and interests to preserve their local environment

#### 4.2 Awareness and Effectiveness in Implementations of Important Environment Laws in Tourism

Table 4.2 depicts the awareness and implementation of important laws in tourism. In the study various environment laws based on the importance and relevance in tourism development are identified and respondents were asked to ascertain their awareness level and effectiveness of the identified environment laws. The various environment laws undertaken in the study are: Environment Protection Act (1986), The National Environment Appellate Authority Act, The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981, Wild Life (Protection) Act, 1972, Indian forest Act 1927, and Forest Conservation Act 1980.

**Table 4.2**

#### **Awareness and Effectiveness in Implementations of Important Environment Laws in Tourism**

Sl.No	Name of Environment Law	Awareness		Effectiveness	
		Mean	SD	Mean	SD
1	Environment Protection Act (1986)	2.02	0.93	1.73	0.67
2	The National Environment Appellate Authority Act	1.67	0.81	1.46	0.71
3	The Water (Prevention and Control of Pollution) Act, 1974	1.98	0.80	1.83	0.67
4	The Air (Prevention and Control of Pollution) Act, 1981	2.19	0.92	1.88	0.73
5.	Wild Life (Protection) Act, 1972	2.11	0.85	1.87	0.77
6.	Indian forest Act 1927& Forest Conservation Act 1980	1.62	0.74	1.67	0.74

Table 4.2 shows that The Air (Prevention and Control of Pollution) Act, 1981 has highest awareness ( $X=2.19$ ) whereas, Indian forest Act 1927& Forest Conservation Act 1980, had lowest awareness ( $X=1.62$ ). the mean values of awareness regarding the other laws is The National Environment Appellate Authority Act (1.67), The Water (Prevention and Control of Pollution) Act, 1974 ( 1.98), Environment Protection Act, 1986 (2.02), and Wild Life (Protection) Act, 1972 (2.11).

Regarding effectiveness of the laws, The Air (Prevention and Control of Pollution) Act, 1981 was found most effective with the mean value of 1.88; whereas, The National Environment Appellate Authority Act, was found least effective in term of implementation. The mean value of the effectiveness of other laws is; Wild Life (Protection) Act, 1972 (1.87), Water (Prevention and Control of Pollution) Act, 1974 (1.83), Environment Protection Act, 1986 (1.73), Indian forest Act 1927 & Forest Conservation Act 1980 (1.67).

Ironically, mean value of all the laws for both awareness and effectiveness has been found below the mid value ( $d=3$ , for 5 pt Likert scale), which indicates that both tourists and hosts are not aware of the various environment laws and even these laws are not effective in implementations.

#### 4.3 Significantly different scores of awareness on the basis of type of respondents i.e. Tourists & Hosts

Table 4.3 indicates significantly different scores of awareness regarding environment laws on the basis of type of respondents i.e. Tourists and Hosts.

**Table 4.3**  
**Significantly different scores of awareness regarding environment laws on the basis of type of respondents i.e. Tourists and Hosts**

Sl.No	Name of Environment Law	Description of Respondents	Mean (X)	SD	t
1.	Environment Protection Act (1986)	i) Tourists	2.01	0.81	-0.177
		ii) Hosts	2.03	0.90	
2.	The National Environment Appellate Authority Act	i) Tourists	1.83	0.72	2.87**
		ii) Hosts	1.54	0.54	
3	The Water (Prevention and Control of Pollution) Act, 1974	i) Tourists	2.09	0.72	2.02*
		ii) Hosts	1.88	0.56	
4	The Air (Prevention and Control of Pollution) Act, 1981	i) Tourists	2.13	0.84	-1.036
		ii) Hosts	2.25	0.86	
5.	Wild Life (Protection) Act, 1972	i) Tourists	2.17	0.74	0.724
		ii) Hosts	2.05	0.72	
6.	Indian forest Act 1927 & Forest Conservation Act 1980	i) Tourists	1.59	0.49	-0.729
		ii) Hosts	1.65	0.60	

\* -  $p \leq 0.05$ , \*\* -  $p \leq 0.01$

1= Not Aware at all, 2=Partially Aware, 3=Moderately Aware, 4= Sufficiently Aware,5=Fully Aware

Regarding, The National Environment Appellate Authority Act, tourists were more aware ( $X = 1.83$ ) in comparison to locals/hosts ( $X=1.54$ ),  $t=2.87$ ,  $p<0.01$ . Water (Prevention and Control of Pollution) Act, 1974, also found tourist more aware (2.09) than hosts (1.88) with  $t=2.02$ ,  $p<0.05$ . The other laws were found insignificant at 5 percent level and has recorded mean values as Tourists (2.01) and Hosts(2.03) with  $t=-0.177$  for Environment Protection Act (1986), Tourists (2.13) and Hosts(2.25) with  $t=-1.04$  for Air (Prevention and Control of Pollution) Act, 1981; and for Wild Life (Protection) Act, 1972, mean values for awareness among Tourists (2.17) and Hosts(2.05) with  $t=0.724$ .

#### 4.4 Significantly different scores of effectiveness in implementation of environment laws on the basis of type of respondents i.e. Tourists and Hosts

Significantly different scores of effectiveness in implementation of environment laws on the basis of type of respondents i.e. Tourists and Hosts is depicted in table 4.4.

**Table 4.4**  
**Significantly different scores of effectiveness in implementation of environment laws on the basis of type of respondents i.e. Tourists and Hosts**

Sl.No	Name of Environment Law	Description of Respondents	Mean (X)	SD	t
1.	Environment Protection Act (1986)	i) Tourists	1.85	0.49	2.67**
		ii) Hosts	1.63	0.40	
2.	The National Environment Appellate Authority Act	i) Tourists	1.46	0.55	-0.15
		ii) Hosts	1.47	0.64	
3	The Water (Prevention and Control of Pollution) Act, 1974	i) Tourists	1.85	0.51	0.52
		ii) Hosts	1.81	0.41	
4	The Air (Prevention and Control of Pollution) Act, 1981	i) Tourists	1.78	0.50	-2.04*
		ii) Hosts	1.97	0.55	
5.	Wild Life (Protection) Act, 1972	i) Tourists	2.01	0.67	2.72**
		ii) Hosts	1.75	0.49	

6..	Indian forest Act 1927& Forest Conservation Act 1980	i) Tourists	1.61	0.49	-1.28
		ii) Hosts	1.73	0.60	

\* -  $p \leq 0.05$ ,

\*\* -  $p \leq 0.01$

1= Not implemented effectively, 2=Poorly implemented, 3=Averagely implemented, 4= Fairly implemented ,5= Effectively implemented

Making a comparison about the opinion regarding the effectiveness of the laws among the tourist and awareness, tourists rated three laws as more effective viz i) Environment Protection Act (1986) with Tourist having mean value as 1.85 and hosts as 1.63,  $t=2.67$ ,  $p<0.01$ , ii) Wild Life (Protection) Act, 1972 having 2.01 mean value for tourist and 1.75 for hosts,  $t=2.72$ ,  $p<0.01$ ; and iii) The Water (Prevention and Control of Pollution) Act, 1974, where tourist's mean is 1.85 as compared to hosts 1.81 with  $t=0.52$ , which is insignificant at 5 percent level. For remaining other laws hosts opined their more effectiveness i.e The Air (Prevention and Control of Pollution) Act, 1981 had mean values as 1.78(tourists) and 1.97(hosts) with  $t=-2.04$ ,  $p<0.05$  and other laws were found insignificant at 5 percent level having mean values as for National Environment Appellate Authority Act, Tourists(1.46), hosts(1.47),  $t=-0.15$ ; and for Indian forest Act 1927& Forest Conservation Act 1980 mean values of the opinion regarding effectiveness is Tourists(1.61), hosts(1.73),  $t=-1.28$ .

#### 4.5 Reasons for not effective implementation of Environmental laws

table 4.5 and pie-chart 4.5(b) shows the reasons, if there is not effective implementation of environment laws.

**Table. 4.5(a)**

S.No.	Reasons, If not implemented effectively:	Number or respondents	Percentage
1.	Lack of General Awareness	47	19
2)	Lack of efforts on behalf of awareness and enforcement authorities	151	60
3)	Willingness and attitude on part of general masses.	20	08
4)	Any other than mentioned above	34	13

**Fig.4.5 (b)**

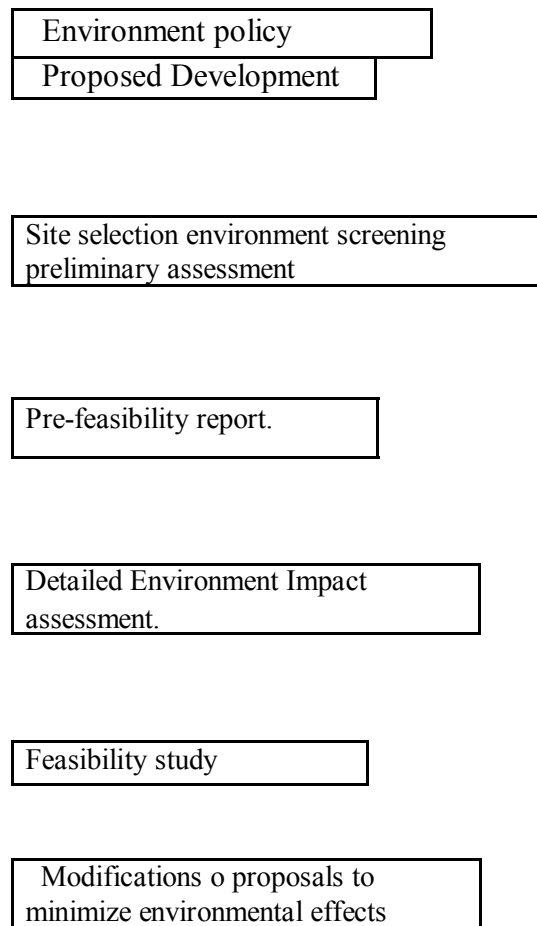
The above table and pie-chart shows that majority of the respondents 151 accounting for 60 percent opined that there is a lack of efforts on behalf of awareness and enforcement authorities, which can be accountable for ineffective implementation of the environment laws. Whereas, 47 respondents (19%) blamed lack of General Awareness as a major reason for poor implementations. Willingness and attitude on part of general masses was the other reason that was given by only 20(08%) respondents. Interestingly, 34 respondents pointed out that there can be even other reasons than mentioned in the questionnaire for ineffective implementations.

**SUGGESTIONS:**

Interestingly, although the laws, acts, regulations and guidelines for environment protection has been drawn up by almost all the countries, states, legislative institutions and other organizations such as WHO, World Bank, UN but they often go unnoticed because of lack of capacity of public management'( Washington, 1972).

Though, Laws helps in minimizing the negative impacts but to make them more effective there is a need to adopt a process, whereby, a systematic, documented, regular and objective evaluation of the environment through methodological examinations involving analysis, tests and confirmations verifying whether, they comply with legal requirements and internal policies and accepted practices can be an effective tool to achieve overall sustainable development objectives. In this direction EIA model and approach can be of multiple use to various community resources. Infact, EIA process as given by Cooper(1993), gives analytical procedure predicting and evaluating the environmental impact of proposed development programmes and projects. It is also a legally defined administration procedure to involve major interest groups in the decision making process, inform the public and resolve the potential conflicts. Such implementation would also be beneficiary in enhancing environment awareness through community participation.

Figure 5.1 reveals the Environment Impact assessment (EIA) process as explained by Cooper (1993),



Project Physical Planning & design  
Proposed Development

Implementation of Environmental  
project measures.

Project implementation

Environmental monitoring

Project monitoring and  
evaluation

Source: Cooper(1993), Tourism, Principles and Practice, Pitman.

In this context, it is recommended that apart from legislation the various environment ethics together with self-regulatory and effective self-monitory and evaluation process can be a significant tool in minimizing the negative impact maintaining ecological balance thereby achieving sustainable development. Infact, environment code of ethics is a list of ethical or moral rules for conducting tourism development with respect to environment. The aim is to ensure incorporation of environment protection measures during the various stages of development viz- planning, development or management of tourism. The concern for conservation and the environment is a mix of ethics and self-preservation. A large range of environment code of ethics already exists, these includes code of ethics for tourists, trekkers, mountaineers, developers, business operators etc. for example Eco Tourism Association of Australia has underlined pre-tour, actual tour and post tour guidelines for eco tourist. Similarly, New Zealand Tourist Industry Federation has listed code of environment practices for tourists in New Zealand basic idea is to promote ecologically sustainable tourism development both by the tourist as well as host. Even

eco tourism society has declared eco tourism guidelines for pre-departure, guiding and monitoring and management of tours. These guidelines include issues such as preparing tourist before departure through discussions, briefings and literature.

Therefore, it is suggested that there is a dire need to enhance the awareness level not only regarding the environmental laws but also regarding various guidelines, principles and instructions which has been issued by the various governments and NGO,s with an objective of minimizing the negative impacts on the environment caused by the various industries, communities and developments. In this direction, there is a need to launch various awareness campaigns with an objective to educate and inform people about the need for preservation of culture and heritage

It is also worthwhile to mention that, since, every resort or a tourist spot has its carrying capacity.and if the carrying capacity is exceeded without planned and well thought out expansion, it spells ruin for a place. Our hill resorts like Shimla, Kullu, Manali, Mussorie, Nainital, Shillong and Darjeeling are in no position to cope with the hordes of visitors which turn up every summer. Alternate resorts have to be identified on the bases on capacity analysis and be developed keeping in view their carrying capacity for the increasing number of tourists.

Infact, whether regulations or through legislation or undertaken as a self regulatory together with an effective self monitoring and evaluation process can be helpful in achieving sustainable tourism development. However apart from this, several other form of alternative tourism have been experimental with a measure of success under the different titles such as Green tourism, Soft tourism, Responsible tourism, Appropriate tourism, Rural tourism, Community tourism etc.apart from this there is also a need to create awareness about the importance and relationship between tourism and environment among host and tourist. Which could simultaneously, help the individuals to understand the importance as well as to follow the various environmental code of conduct for the sustainable tourism development.

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