

A Backpack of Tourism Legislation in India

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GENERAL INDUSTRY BACKGROUND

The land of Indian sub- continent is rich in diverse elements of nature. It has been sublimed with vast areas of forest land to wider patches of desert and extending from the great Himalayas to being surrounded by water on three of its coasts, facilitating itself for an enormous tourism attraction. The huge cultural heritage, spiritual upliftment and religious pigments are yet another way to route tourists from all over the world; all round the year. In 2019, the World Economic Forum in its Travel and Tourism Competitiveness Report marked India on the 34th rank in different forms of Tourism [1]. The niche of this industry amounts to an approximate contribution of ₹ 15.24 Lakh Crore (9.3 per cent) into the country's total GDP as per the calculations of the year 2018-2019. A friend of all, the travel and tourism guide creates and amounts for more than 8 per cent jobs in the country employing a friction over 4 Crore of the total population, which can no less be counted as one of the highest growing field in the years to follow.

The preponderance has not only been on the existing vegetation of the self- developing nuances. The Indian government has from the past few decades paid incredible vigilance over the growth mechanisms that have been lapping its way into not just economical but also the internationally acclaimed- political and social relationships of the state with other nations, bounding importance to the heed of heritage and future of free spirited travel. The state has made policies for permitting 100 per cent FDI (Foreign Direct Investment) through various direct automatic route investment schemes. Co- existing with these international investments, there have been various domestic marketing plans of action such as 'Incredible India' and 'Atithi Devo Bhava' which are government tourism campaigns that impound to promote the magnetism for tourist attraction spots of

diversified destinations, globally [2,3,]. This, in turn has reverberated the FTA (Foreign Tourist Arrivals) to a total of 10.89 million with an year to year growth of 3.20 per cent and the FEEs (Foreign Exchange Earnings to approximately US\$30 billion resulting in an y-o-y growth of 4.8 per cent during the year 2019).

The legal proportion

The dynamics of law and legal sanctity have been prepared to demarcate and regularize the actions of every creature that is holding intelligence and anticipates an aura of protection under its regime. The Constitution of India in its foundation bequeaths provisions to protect the life and liberty of each and every such individual who steps foot under its shadow regardless of time or citizenship. However, it has been a grey area in the field of these gigantic rules and regulations that for every person who enters the territorial nexus of Indian great lands have been deprived of outlined legal understanding and at the same time burdened with the endless number of regulations that they are expected to have knowledge of and obey, which in turn tricks them out of the basic fun entitled for their travel leisure.

The Indian Law regime and regulations, so embarked on the foreigners is majorly columned into three Acts; extended and dealing with the entry and exit strategy of the foreign national along with a provisional go through of their staying and roaming around restrictions and the regulations of distinct activities and permissible boundaries of ethnicity to maintain a peaceful public order and righteous courtesy. These are:

The passport (entry in India) act, 1920: This is an Act to regulate, mandate and expedient the requirement of a passport for any person who enters into the territory of India by means of land, water or

air. They must abide to all the provisions of Section 3 of the aforementioned Act, provided which he/she shall be subject to any rule of order or punitive actions so mentioned in any law or provision in force at that time.

The foreigners act, 1946: This Act regulates the entry, exit and stay of foreigners on the Indian land subject to the restrictions imposed upon by the central government with respect to their movement, entry into certain prohibited areas subject to permission, the details to be enrolled in the hotels and places of stay and special restrictions with respect to immigration of such foreign nationals and their departures from India. However, there are special regulations related to those of the citizens of Pakistan and Afghanistan for such entry and exit, which have been detailed into the act and is amended time to time and as per the requirements of the industry and state standards to maintain peace and order.

The registration of foreigners act, 1932 and the registration of foreigners rules, 1992: This Act and Rules are envisioned with respect to the mandatory registration of stay in case of extended period beyond the time mentioned in the visas of these foreign nationals and to obtain permission of such stays, failing to which implications that are to be curtailed upon such individuals.

The aforementioned provisions however, only deal with the entry and exit regulations of a foreign national. During the period of stay in the country, each such individual is abided to follow all the central legislations and regulations of individual state which shall conform of environment regulations, monumental regulations, and archaeological rules for world heritage sites, foreign exchange and currency regimes etc. There is a lack of an all comprising law especially bounding the entire tourism mechanism into one abstracted form to simplify it for the purpose of layman understanding and ensuring easy compliance for the same. There are over sixty regulations that provide a detailed explanation with respect to the permits, visas, immigration, passport and registration, foreign orders etc. These are further extended by the *lex loci* (law of the land) related to various criminal or penal provisions, such as those of the tenancies of obscenities, narcotic rules, no-smoking rules for specific public areas and transports, public display of affection etc., which are otherwise of common parlance in the countries with modern and extravagant culture, making it another obstacle in the pathway of free and fair tourism in India. A number of these regulations in India are [4]:

- Air Corporations Act, 1953.
- Ancient Monuments and Archaeological Sites and Remains Act, 1958.
- Ancient Monuments Preservation Act, 1904.
- Antiquities and Art Treasure Act, 1972.
- Emigration Act, 1983.
- Emigration Rules, 1983.
- Foreigners Act 1946.
- FRRO Contact List.
- Immigration Liability Act, 2000.
- Passport Entry Act, 1920.
- Registrations of Foreigners Act, 1939.
- Tourism Laws in Indian States, etc.

Unlike, few other countries such as The United States of America, and certain other delicacies in the European nations, where there have been one isolated and escalated legislation to govern all the rules related to an individual's approval for travel and tourism; making it the affair of the subject of this field easier to operate and are in close proximity for the hosts as well as the passenger.

The probe

The future of tourism industry has been longing its faith on to flexible and compartmentalized approach towards arranging a rudiment of handful formalities to provide for a distinct and simplified gauge for voyage. Both the government as well as the citizens of India have always considered tourists and guests as the epitome of theocracy. The government is on the path to entail further tax regimes and free tax policies to the hotel industry in India, by providing a five year free holiday tax to those hotels which are near the world heritage site to facilitate tourists and help the industry's growth.

The government has further improvised on the visa policies to create a hassle free experience for the tourists by implementing e- Visa facilities sanctioning schemes such a 'Swadesh Darshan' which has been sanctioned to provide development of circuits for tourists in the country [5]. The tourism industry is expanding at a massive rate and is targeted to reach a high end contribution of US\$50 billion and above by the year ending 2023 [6].

However, due to all these disruptive regulations and norms it becomes quite pessimistic in the minds of individuals to take risks into stepping foot in an alien country having a great deal of punitive obstructions to backpack freely round the destinations.

To solve these issues, the government along with the

legislature should focus on the key aspects that are required to be followed by an individual while applying for a tourist visa into the country by providing a small draft of legislations that would boundary line the rules into a handbook of approachable ways to prevent inconvenience to those who are willing to contribute towards the economic forum of the country by means of tourism. Further, in order to develop the newly introduced medical visas or M- visas, the government should take appropriate measures to encourage the new born practice in the country. This practice has been reported to result in an overall contribution of one to two per cent of India into the World's International tourist arrivals.

Overall, it can be concluded that Tourism industry being one of the largest industries of the nation should be given a better and far- fetched approach towards making it a friendly and welcoming legislative

sector for both the Global and the domestic interest seekers in order to bring about a positive trajectory to the whole concept of manifesting a myriad of bringing home the excitement of world class tourist certified destination.

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