

National Biodiversity Strategy and Action Plan (NBSAP)

Paper on Biodiversity and Tourism

Prepared by



Equations

EQUITABLE TOURISM OPTIONS

P.O. Box 7512

New Thippasandra Post

Bangalore – 560 075

Tel:+91-80-5292905

Fax: +91-80-5282313

www.ecotourism@equitabletourism.org

www.equitabletourism.org

Table of Contents

SECTION 1: BIODIVERSITY	
INTRODUCTION	1
1.1 INDIA'S GEOGRAPHY AND MAJOR BIOMES	1
1.1A FORESTS	2
1.1B COASTAL AND MARINE	3
1.2 INDIA'S BIODIVERSITY	3
1.2A ENDEMIC SPECIES	4
1.2B THREATENED SPECIES	5
SECTION 2: TOURISM – GENERAL IMPACTS	
2.1 TOURISM AS THE GROWTH ENGINE FOR FUTURE	7
2.2 TOURISM, CONSERVATION, COMMUNITY	7
2.3 IDENTIFICATION OF MAJOR ECOSYSTEM AND TOURISM AREAS	8
2.3a Coastal tourism	8
2.3b Hill and Mountain tourism	8
2.3c Tourism in Terrestrial Ecosystems – forests and inland water bodies	9
2.4 GENERAL IMPACTS OF TOURISM ON SPECIES AND ECOSYSTEMS	9
SECTION 3: TOURISM IMPACTS - DETAILED	
3.1 IDENTIFICATION OF MAJOR IMPACTING FACTORS	10
3.2 TOURISM IN PAS	12
3.3 TOURISM IN NON-PAS	13
3.4 TOURISM PRACTICES - CURRENT	14
3.4a Coasts	14
3.4b Forest regions	18
3.4c Backwater systems, mangroves	18
3.4d Mountain and hills	21
SECTION 4: ECOTOURISM	
4.1 ECOTOURISM	25
4.2 ECOTOURISM AS A CONCEPT	25
4.3 CONSERVATION, EQUAL ACCESS AND PARTICIPATION FOR SUSTAINABLE TOURISM	26
4.4 THE CASE OF STEWARDSHIP	27
4.4 INDIGENOUS PEOPLES	30
SECTION 5: LEGAL FRAMEWORKS RELEVANT TO TOURISM AND BIODIVERSITY IN INDIA .	31
5.1 WILD LIFE (PROTECTION) ACT, 1972, AMENDMENT 1991	31
5.2 THE FOREST (CONSERVATION) ACT, 1980	32
5.3 COASTAL REGULATION ZONE NOTIFICATION	33
SECTION 6: FUTURE DEBATES	
INTERNATIONAL HAPPENINGS, COMMITMENTS	37
6.1 CSD PROCESS: THE COMMISSION ON SUSTAINABLE DEVELOPMENT	37
6.2 CBD PROCESSES	41
6.3 IYE PROCESS	45
6.4. TOURISM IN THE GATS	49
<i>Environment in the GATS</i>	49
SECTION 7: CHALLENGES AHEAD	
1. THE NEED FOR REORIENTATION IN MANAGEMENT FOR BIODIVERSITY CONSERVATION AND SUSTAINABLE TOURISM	53
2. NEED FOR AMENDMENTS TO THE NATIONAL TOURISM POLICY	53
3. THE ROLE OF PANCHAYATI RAJ INSTITUTIONS	55
4. BRING IN SYSTEMS FOR CONSERVATION AND TOURISM DEVELOPMENT	58
5. NEED FOR RECONSIDERING TOURISM IN PAS AS STIPULATED BY THE WILD LIFE (PROTECTION) ACT 1972 ..	61
6. NEED FOR SITE-SPECIFIC TOURISM GUIDELINES	62
7. TOURISM IN THE COASTS	62
8. TOURISM AND GATS	62
CONCLUSION	
REFERENCES:	64
ACTION POINTS	
ANNEXE 1	

SECTION 1: Biodiversity

Introduction

1.1 India's Geography and Major Biomes¹

India is the seventh largest country in the world and Asia's second largest nation with an area of 3,287,263 square km. The Indian mainland stretches from 8° 4' to 37° 6' N latitude and from 68° 7' to 97° 25' E longitude. It has a land frontier of some 15,200 Km and a coastline of 7,516 Km (Government of India, 1985)².

The country is physically divided into four relatively well-defined regions - the Himalayan Mountains, the Gangetic river plains, the Southern (Deccan) Plateau, and the islands of Lakshadweep, Andaman and Nicobar. The **Himalayas** in the far north include some of the highest peaks in the world. The highest mountain in the Indian Himalayas is Kanchenjunga (8586 m), which is located in Sikkim on the border with Nepal. To the south of the main Himalayan massif lie the Lesser Himalayas, rising to 3,600- 4,600 m, and represented by the Pir Panjal in Kashmir and Dhaula dhar in Himachal Pradesh. Further south, flanking the Indo-Gangetic Plain, are the Siwaliks which rise to 900-1,500 m.

The **Northern Plains** of India stretch from Assam in the east to the Punjab in the west (a distance of 2,400 km), extending south to terminate in the saline marshlands of the Rann of Kachchh (Kutch), in the state of Gujarat. Some of the largest rivers in India including the Ganga (Ganges), Ghaghara, Brahmaputra, and the Yamuna flow across this region. The delta area of these rivers is located at the head of the Bay of Bengal, partly in the Indian state of West Bengal, but mostly in Bangladesh. The plains are remarkably homogenous topographically: for hundreds of kilometres the only perceptible relief is formed by floodplain bluffs, minor natural levees and hollows known as 'spill patterns', and the belts of ravines formed by gully erosion along some of the larger rivers. In this zone, variation in relief does not exceed 300 m (FAO/UNEP, 1981)³ but the uniform flatness conceals a great deal of pedological variety. The agriculturally productive alluvial silts and clays of the Ganga – Brahmaputra delta in northeastern India, for example, contrast strongly with the comparatively sterile sands of the **Thar Desert** that is located at the western extremity of the Indian part of the plains in the state of Rajasthan.

¹ <http://www.wcmc.org.uk/igcmc/main.html>

² Government of India (1985). Research and Reference Division Ministry of Information and Broadcasting

³ FAO/UNEP (1981). Tropical forest resources assessment project. Technical report No. 3. FAO, Rome

The climate of India is dominated by the Asiatic monsoon, most importantly by rains from the southwest between June and October, and drier winds from the north between December and February. From March to May the climate is dry and hot.

1.1a Forests

The range of Indian forests varies from evergreen tropical rain forests in the Andaman and Nicobar Islands, the Western Ghats, and the north-eastern states, to dry alpine scrub high in the Himalayas to the north. Between the two extremes, the country has semi-evergreen rain forests, deciduous monsoon forests, thorn forests, and subtropical pine forests in the lower montane zone and temperate montane forests.

The main areas of tropical forest are found in the Andaman and Nicobar Islands; the Western Ghats, which fringe the Arabian Sea coastline of peninsular India and the greater Assam region in the north-east. Small remnants of rain forest are found in Orissa state. Semi-evergreen rain forest is more extensive than the evergreen formation partly because evergreen forests tend to degrade to semi-evergreen with human interference. There are substantial differences in both the flora and fauna between the three major rain forest regions (IUCN, 1986)⁴.

The tropical vegetation of northeast India (which includes the states of Assam, Nagaland, Manipur, Mizoram, Tripura and Meghalaya as well as the plain regions of Arunachal Pradesh) typically occurs at elevations up to 900 m. It embraces evergreen and semi-evergreen rain forests, moist deciduous monsoon forests, riparian forests, swamps and grasslands. Evergreen rain forests are found in the Assam Valley, the foothills of the eastern Himalayas and the lower parts of the Naga Hills, Meghalaya, Mizoram, and Manipur where the rainfall exceeds 2300 mm per annum. In the Assam Valley the giant *Dipterocarpus macrocarpus* and *Shorea assamica* occur singly, occasionally attaining a girth of up to 7 m and a height of up to 50 m. The monsoon forests are mainly moist Sal *Shorea robusta* forests, which occur widely in this region (IUCN, 1991).

The Andaman and Nicobar islands have tropical evergreen rain forests and tropical semi-evergreen rainforests, as well as tropical moist monsoon forests (IUCN, 1986). The tropical evergreen rain forest is only slightly less grand in stature and rich in species than on the mainland. The dominant species is *Dipterocarpus grandiflorus* in hilly areas, while *Dipterocarpus kerrii* is dominant on some islands in the southern parts of the archipelago. The monsoon forests of the Andamans are dominated by *Pterocarpus dalbergioides* and *Terminalia* spp.

⁴ IUCN (1986). *Review of the Protected Areas System in the Indo-Malayan Realm*. IUCN, Gland, Switzerland and Cambridge, U.K.

1.1b Coastal and Marine

India is surrounded by three great oceans – The Bay of Bengal, the Arabian Sea and the Indian Ocean - elevating the country to the 'top ten' in sea claims, according to United Nations Sea-claim Statistics. It has a 7515 Km long coastline. In the ocean side the EEZ is 2,015,468 sq. Km, which is equivalent to 66 per cent of the countries land mass.

With one fifth of worlds marine area, India is bestowed with rich living and non-living resources. Fishery resources in the EEZ have been estimated (1990) at 3.9 million tonnes of which 2.21 million tonnes are within a region of depth up to 50m. Overall 65 % of marine resources are within 200m depth from the shoreline, 20% within 320 Km and 15% in high seas. Oil and gas are the major non-living resources of the oceans, besides nickel, copper, cobalt and manganese. 1981 estimate of India's offshore oil reserves was around 1100 million tones and gas reserves being 12,000x10⁹ cubic feet. (Sharma & Sinha, 1994). Almost 62 per cent of our total crude oil is from offshore sources.

Indian coast and marine regions are one of the richest in biodiversity. The unique island ecosystems of the Andaman and Nicobar Islands, and the Gulf of Mannar are declared as biosphere reserves. The Gulf of Kutch is a marine wildlife sanctuary. Sunderbans and Pitchavaram have the countries' largest mangrove ecosystems. The backwaters of Keralam with webs of mangroves and inter-twined canals blend the mineral and biomass-rich Western Ghats and the Arabian Sea. The entire Western coast is dotted with mangroves. Gahrimata in Orissa is one of the largest turtle nursery ground of in the world. Our network of water bodies, which are intertwined with, canals, rivers, lakes all lead to enriching the biodiversity of the different seas. (<http://www.wcmc.org.uk/igcmc/main.html>)

1.2 India's biodiversity⁵

India has 26 recognised endemic centres that are home to nearly a third of all the flowering plants identified and described to date. Of the estimated 5–50 million species of the world's biota, only 1.4 million have been described and the distribution is highly uneven. About seven per cent of the world's total land area is home to half of the world's species, with the tropics alone accounting for five million. The 18 hot spots that have been identified in the world cover 0.746 million square kilometres and house 0.45 million species.

India, with 2.4% of the world's area, has 8.1% of the world's total biodiversity with a species count of about 0.130 million. Some salient features of India's biodiversity have been mentioned below.

- India has two major realms called the Palearctic and the Indo-Malayan, and three biomes, namely the tropical humid forests, the tropical dry/deciduous forests, and the warm desert/semi-deserts

⁵ <http://www.teriin.org/biodiv/status.htm>

- India has ten bio-geographic regions including the trans-Himalayan, the Himalayan, the Indian desert, the semi-arid zone(s), the Western Ghats, the Deccan Peninsula, the Gangetic Plain, North-East India, and the islands and coasts
- India is one of the 12 centres of origin of cultivated plants
- India has five world heritage sites, 14 biosphere reserves, and six Ramsar wetlands.
- The total protected area is about 142.9 thousand km² (4.8% of the geographical area⁶).

1.2a Endemic Species

India has many endemic plant and vertebrate species. Among plants, species endemism is estimated at 33% with 140 endemic genera but no endemic families (Botanical Survey of India, 1983). Areas rich in endemism are northeast India, the Western Ghats and the north-western and eastern Himalayas. A small pocket of local endemism also occurs in the Eastern Ghats. The Gangetic plains are generally poor in endemics, while the Andaman and Nicobar Islands contribute at least 220 species to the endemic flora of India (Botanical Survey of India, 1983).

Endemism among mammals and birds is relatively low. Only 44 species of Indian mammal have a range that is confined entirely to within Indian territorial limits. Four endemic species of conservation significance occur in the Western Ghats. E.g., Lion-tailed macaque *Macaca silenus*, Nilgiri leaf monkey *Trachypithecus johni* (locally better known as Nilgiri langur *Presbytis johni*), Brown palm civet *Paradoxurus jerdoni* and Nilgiri tahr *Hemitragus hylocrius*.

Only 55 bird species are endemic to India, with distributions concentrated in areas of high rainfall. They are located mainly in eastern India along the mountain chains where the monsoon shadow occurs, southwest India (the Western Ghats), and the Nicobar and Andaman Islands.

In contrast, endemism in the Indian reptilian and amphibian fauna is high. There are around 187 endemic reptiles, and 110 endemic amphibian species. Eight amphibian genera are not found outside India. They include, among the caecilians, *Indotyphlus*, *Gegeneophis* and *Uraeotyphlus*; and among the anurans, the toad *Bufoides*, the *microhylid* *Melanobatrachus*, and the frogs *Ranixalus*, *Nannobatrachus* and *Nyctibatrachus*. Perhaps most notable among the endemic amphibian genera is the monotypic *Melanobatrachus* which has a single species known only from a few specimens collected in the Anamalai Hills in the 1870s.

⁶ World Bank's World Development Report 1999/2000, Table 9, page 246

TABLE 2: ENDEMIC SPECIES OF PLANTS AND ANIMALS

GROUP	NUMBER OF SPECIES
Plants	
Pteridophyta	200
Angiosperms	4950
Animals	
Protozoa	
Parasitic	550
Free living	90
Lepidoptera	9
Mollusca	
Land & freshwater	967
Pisces	
Freshwater	64
Marine	14
Amphibia	123
Reptilia	182
Aves	60
Mammalia	44

Source: MoEF 1997; ZSI & BSI

Table 3: Comparative statement of recorded number of plant species in India and the world

TAXA	SPECIES		% OF INDIA TO THE WORLD
	India	World	
Plants			
Bacteria	850	4,000	21.25
Viruses	Unknown	4000	
Algae	6,500	40,000	16.25
Fungi	14,500	72,000	20.14
Lichens	2,000	17,000	11.80
Bryophyta	2,850	16,000	17.80
Pteridophyta	1,100	13,000	8.46
Gymnosperms	64	750	8.53
Angiosperms	17,500	250,000	7.00
Animals			
Protista	2,577	31,290	8.24
Mollusca	5,050	70,000	7.21
Arthropoda	60,383	1,065,000	5.67
Other Invertebrates	8,329	87,121	9.56
Protochordata	116	2,173	5.34
Pisces	2,546	21,723	11.72
Amphibia	206	5,145	4.00
Reptilia	485	5,680	8.54
Aves	1,228	9,672	12.69
Mammalia	372	4,629	8.03
	126,656	1,719,183	7.36

Source: MoEF 1997, UNEP-GBA(1995), ZSI & BSI

1.2b Threatened Species

India contains 172 species of animal considered globally threatened by IUCN, or 2.9% of the world's total number of threatened species. These include 53 species of mammal, 69 birds, 23 reptiles and 3

amphibians. India contains globally important populations of some of Asia's rarest animals, such as the Bengal Fox, Marbled Cat, Asiatic Lion, Indian Elephant, Asiatic Wild Ass, Indian Rhinoceros, Markhor, Gaur, Wild Asiatic Water Buffalo etc.

Table 4: Globally Threatened Animals Occurring in India by Status Category

Group	Endangered	Vulnerable	Rare	Indeterminate	Insufficiently	TOTAL
Mammals	13	20	2	5	13	53
Birds	6	20	25	13	5	69
Reptiles	6	6	4	5	2	23
Amphibians	0	0	0	3	0	3
Fishes	0	0	2	0	0	2
Invertebrates	1	3	12	2	4	22
TOTAL	26	49	45	28	24	172

Source: Groombridge, B. (ed). 1993

A workshop held in 1982 indicated that as many as 3,000-4,000 higher plants may be under a degree of threat in India. Since then, the Project on Study, Survey and Conservation of Endangered species of Flora (POSSCEP) has partially documented these plants, and published its findings in Red Data Books (Nayar and Sastry, 1987).

The Ministry of Environment and Forests Through a Notification dated July 11, 2001 had included sharks in Schedule I category by which hunting is banned.

Table 5: Summary of Plant Conservation Status

IUCN Threat category	Number of species
Extinct	19
Extinct/Endangered	43
Endangered	149
Endangered/Vulnerable	2
Vulnerable	108
Rare	256
Indeterminate	719
Insufficiently Known	9
No information	1441
Not threatened	374
TOTAL	3120

Source: WCMC Species Unit

SECTION 2: Tourism – general impacts

2.1 Tourism as the growth engine for future

Tourism tops the economic priorities for development and growth of almost all countries. The rationale argued is mostly for its ability to contribute to the foreign exchange basket of nations, the high potential for employment generation and through that economic and social development.

Tourism is considered as the world's largest industry contributing around 11.6 % to the GDP and employ around 9.4 % of the labour. According to the World Tourism Organisation (WTO-OMT), world tourism in the year 2000, spurred on by a strong global economy and special events held to commemorate the new millennium, grew by an estimated 7.4 % - its highest annual growth rate in nearly a decade and almost double the increase of 1999. Nearly 50 million more international trips were made in 2000 – bringing the total number of international arrivals to a record of 698 million (WTO-OMT, 2001).

Travel and Tourism Economy in India accounts for 5.6% of the GDP. According to Confederation of Indian Industry (CII) statistics, travel and tourism supports 5.8% of the total employment and generates 10.8 % of the total exports of the country. India accounts for 2.4 million tourist arrivals per year, which is 0.4% of the world total in the fiscal year of 2000. The industry expects by 2020 this figure would grow to 40 million constituting 4% of the world total⁷. But the gravity of Indian tourism, tourist movement and related infrastructure in the country would be complete only when another 176 million domestic tourists are added to this.

2.2 Tourism, conservation, community

Discussions on tourism development in a country like India have to be seen in the context of what attracts tourists and tourism industry. The rich natural heritage and biodiversity hotspots spread out along coasts, backwaters, forests and mountain regions are the major tourist attraction on which the tourism industry banks. Even the Protected Areas (PAs), which hitherto had seen limited tourist activities, are targets of intensive tourism development. The industry vouches its ability to boost the economic potential of these natural resources, which were otherwise what the industry and tourism proponents describe as 'idle' resources and the economic potential had remained untapped.

At the same time, these are areas where rural populations survive on the life supporting resources that nature has gifted them. While discussing tourism development, the conflicts with biodiversity conservation, natural resources and wildlife, and the communities who survive on these resources arises in this context. Tourism is notorious for its opulence and wasteful use of resources, be it direct consumption of water, land and other natural resources, or indirect consumption like that of wildlife.

⁷ The Free Press Journal, Mumbai – 29/01/01 CII statistics

The conflict here is between the uses of resources related to survival versus the lavish use of resources by tourism industry. The industry is capable enough to bypass these laws while the community does not possess the sophisticated skills in bargaining even for their basic rights. “Favouritism” of policy makers and the government machinery towards tourism is also evident. Also, the conflict that arises out of modifications and amendments of such laws to suit the needs of tourism would jeopardise conservation efforts, rational use of resources and the very survival of many of the already endangered flora and fauna.

2.3 Identification of Major Ecosystem and Tourism Areas

Tourism activities and infrastructure are spread out in almost all types of ecosystems. While considering its spread, the following important *ecosystem types* may be enumerated from the viewpoint of biodiversity conservation, which are particularly severely impacted by tourism:

2.3a Coastal tourism

1. *Sandy beaches* – the most frequently visited tourism zones, these areas have been the first to see tourism development. Recreational activity is highly concentrated in these zones. These are critical habitats of endangered species, e.g., nesting sites of endangered sea turtles like the Olive Ridley and variety of plants specific to the coastal region
2. *Coastal dunes* – prime casualty of tourism related constructions; high sensitivity; an integral part of coastal geomorphology
3. *Offshore waters* - high biodiversity in the tropics, intensive tourism zone, particularly strongly affected by pollution
4. *Near-coastal wetlands* - primarily lagoons; high proportion of rare species, very frequently affected by development and drainage projects
5. *Mangroves* - high productivity and coastal-protection function, particularly strongly impacted by tourism construction and development measures
6. *Coral reefs* - very high species diversity, high sensitivity, high tourist attractiveness
7. *Oceanic islands* - diverse ecosystems in a confined space, high degree of endemism, shortage of resources, high sensitivity, very intensive tourism

2.3b Hill and Mountain tourism

- i. *High hills and mountains* - increasing tourism frequency; relatively few species, many of which are rare and some endemic, e.g., snow leopard, musk deer; very high sensitivity
- ii. *Valleys*
- iii. *Canyons, gorges, cliffs*
- iv. *Montane grasslands*

2.3c *Tourism in Terrestrial Ecosystems – forests and inland water bodies*

1. *Forest ecosystems* – all types of forests, including those with PA status and those without, World Heritage Sites e.g., Nilgiris Biosphere Reserve, national parks and wildlife sanctuaries, refuges for endangered animal species as in Tiger Reserves. Forests without any of the above status but abundant in flora and fauna; high potential for tourism development and increasing tourism activities.
2. *Freshwater ecosystems* - including adjoining wetlands, high tourism frequency, high proportion of rare species, sensitive to pollution
3. *Deserts*: parts of the Thar Desert in Rajasthan; high adventure tourism activity like camel and horse safaris, heritage tourism – palaces and forts
4. *Grasslands* – Kaziranga

2.4 General Impacts of Tourism on Species and Ecosystems

It is undisputed and has often been proved in case studies that in areas where tourism occurs in mass-form and/or encroaches on particularly sensitive ecosystems, severe impacts have resulted on nature and environment. The impacts may be broadly classified as occurring from the following types of activities:

1. Basic infrastructure – electricity, water, waste disposal, transport and transportation related, development and securing of infrastructure, utilities
2. Accommodation infrastructure for lodges/resorts/restaurants/cafés/bars
3. Additional services – e.g., shops and other commercial establishments
4. Recreational activities – main and complementary activities
5. Recreation infrastructure – paths/trails, sports facilities, golf courses, pleasure-boat marinas, cable cars etc.
6. Directly and indirectly induced developments – regional migration, urbanisation, changing values etc.

SECTION 3: TOURISM IMPACTS - Detailed

3.1 Identification of Major Impacting Factors

The nature and extent of impact of tourism depends on the intensity of tourism activity as well as the sensitivity of the impacted ecosystems. This must be ascertained on the basis of the specifics of the ecosystems in consideration. However, a few general statements may be made regarding major impacting factors. Most of the studies show that more severe impacts of tourism on species and ecosystems arise from the infrastructure and building activity it involves, rather than from the recreational activities themselves, as in the case of coastal tourism. In contrast, with nature tourism, which needs relatively little infrastructure, the activities themselves are more in the foreground of impacts. In places where sites have already been selected and developed for tourism, many conflicts are unavoidable and the impacts can only be diffused to a limited degree during the operational phase.

The aspects that need to be looked into for determining the impacts of tourism are:

1. *Site choice and development*
2. *Location and operation of tourism related infrastructure*
3. *Visitor activities*
4. *Indirectly induced effects*

Tourism related facilities are preferred on attractive landscape sites like coasts, primarily sandy beaches and dunes, in proximity to lakes and rivers, and forest areas in the interior, and in the mountains, exposed mountaintops and slopes. These are often species-rich ecosystems or transitional zones in between ecosystems, i.e. ecotones. Due to establishment of tourism related infrastructure and facilities, the species generally found here are either destroyed or severely affected.

There is also a non-adaptive approach to existing natural site conditions. One example that can be quoted here is of the coastal wetlands where, for lack of more suitable sites, are drained and filled in for the construction of buildings, roads and other establishments. Sometimes, boat passageways are blasted in the coral reefs situated near the coast. Mangrove forests are a transitional zone between the land and sea, and are particularly impacted by both development types.

Building materials are often removed from ecosystems for tourism related constructions, like hotels and roads, in a non-sustainable manner, e.g., as in the case of extracting the fine sand of beaches, which is used to mix concrete. This increases the danger of erosion on the beaches, so that in some cases sand is pumped onshore and coastal-protection steps have to be taken. The use of traditional building materials such as wood or reef limestone for tourism related constructions can also pose problems when the use is from the ecosystems themselves and is excessive.

The most severe destructions are caused by untreated sewage, inadequate garbage removal and excessive water consumption. It is beyond any iota of doubt that pollution from sewage is one of tourism's biggest problems, as it can scarcely be confined spatially, and the changes in the nutrient balance it causes inflict extensive damage on the impacted aquatic habitats. This is particularly true of oligotrophic mountain streams and very sensitive coral reefs. In contrast, naturally nutrient-rich ecosystems such as, for example, mangroves can perform important buffer and filter functions to a limited extent.

Solid waste is another major problem, especially in developing countries where there are hardly any capacities for regulated disposal. The problem is further aggravated by the rampant use of non-biodegradable and toxic wastes like plastics.

Water consumption by tourists and tourism facilities amounts to many times, sometimes up to ten times, the minimum domestic requirement. Only a least portion of this amount is taken up by drinking water. Water is used primarily for showers, swimming pools and watering gardens and golf courses etc. The problem primarily occurs in arid climates and on small islands with limited water supply, but also at many destinations with more plentiful precipitation, which are frequented by tourists preferably in the dry season. This results not only in social conflicts but also in the fact that wetlands dry out and salt water intrudes into near-coastal freshwater biotopes.

Many tourism activities are concentrated on traditional tourism locations like sandy beaches . The recent trends show that the inclination now is to move towards more distant locations hitherto untouched by tourism, which are now being made more accessible through developments in transport and transportation related infrastructure. Construction of hotels and other tourism related services are increasingly being set up on the coastal regions especially in states like Goa and Kerala, altering and destroying sandy beaches, sand dunes and coastal vegetation. High concentration of these tourism facilities also cause a major threat to the ground water level, since water consumption is extremely high in tourism. Water sports, adventure sports like snorkelling, scuba diving etc. are currently gaining momentum in our country especially in places like the Andamans. Speed boats and surfing etc. are found to be obstructing the traditional fishing activities, and also disturbing shoals of fish, their breeding and spawning grounds.

Large-scale tourism projects can have considerable distorting effects on the economies of developing countries, especially when economic systems that are more typical of advanced service economies are introduced into agrarian economies abruptly and in massive form. These have both social and ecological consequences because of the huge income gradient, displacement of local communities and

migration from rural areas to the tourist centres. Thus, increased population density leads to further environmental strain in the affected areas, particularly resource depletion, sewage and garbage.

Water treatment and sewage disposal systems are generally absent in tourist locations. When large scale tourism service providers skirt around environmental protection norms, the informal sector like shacks and restaurants also follow the trait. The cumulative effect of these is found to complicate matters.

3.2 Tourism in PAs

Regions that receive specific protection measures, as in the case of Protected Areas (PAs), which include national parks, wildlife sanctuaries, biosphere reserves and tiger reserves, and regions that have no specific protection whatsoever but come under general regulatory mechanisms need to be understood differentially while discussing tourism and biodiversity.

Tourism in PAs needs to be contextualised in circumstances where it is located and practised, i.e., it ought to be very much site-specific. The modern concept of PAs is a replica of the American model, applied first in the Yellow Stone National Park during 1872. The reasoning towards overall protection in the PA context is debatable, while the biodiversity-region-human-cultural specificity cannot be duplicated. The laws applicable to PAs had been drafted keeping in mind the protection and conservation aspects as the prime reason. Tourism, especially mass tourism, is comparatively a new entrant into PAs.

In the Indian context, however, the PAs have been a major reason for evicting indigenous people from their original homelands, and other local communities, as these people came to be recognised as a 'pressure' on the protected areas.

Indigenous Peoples: are those who have been original inhabitants of natural areas, including forest areas with traditional resource use patterns; who are denied access to their traditional habitats and resources, and sometimes even displaced, by colonial laws and existing legal frameworks that work on the same premise.

Local communities: need not necessarily fall under this category, but are directly or indirectly dependent on resources, and also impacted by the notification of PAs.

Creation of 'tourism zones' inside PAs further intensifies this discrimination. This has led to the legitimised presence of a global industry inside an ecologically sensitive region, whereas many a times the indigenous people and local communities are often displaced from the forest areas, while tourism is promoted. Tourism is primarily a consumptive activity based on presence of people. This sets the

picture upside down and questions the very basis of PAs, which excludes a sparsely numbered indigenous community living with no or minimum infrastructure, in the name of conservation. Ironically another set of people are brought in, who have no prior understanding of the intrinsic sensitivity of the PA, as tourists and the same PAs are subjected to building up of infrastructure for tourism facilitation. Tourism providers and even families of such tourism providers live permanently in these areas. E.g., Periyar Tiger Reserve has three hotels with boarding and lodging facilities owned by the Kerala Tourism Development Corporation (KTDC) inside the Reserve. The families of forest officials and the employees of KTDC reside inside the Reserve.

3.3 Tourism in non-PAs

PAs are usually the sites of only visitation of tourists. The attendant problems are like pollution, mass movement of vehicles and people and in rare cases accommodation and other facilities. But this is not the case with ecologically sensitive areas, which are not conceived as PAs. All tourism development and its Infrastructure requirements are located in non-PAs. This is better understood while we realise that India has only 4.8 % of its geographical area under PAs. The entire region, which is outside of these PAs, is open for all kinds of development activities including tourism. India is one of the finest examples where varied biogeographic regions starting from the Himalayas to the Coasts and islands, which have been divided into ten zones.

Zone	Name	% as NPs	% as PAs
1	Trans-Himalaya	3.55	9.20
2	Himalayas	3.58	9.94
3	Desert	1.48	7.51
4	Semi-Arid	0.25	2.65
5	Western Ghats	2.52	9.48
6	Deccan	0.62	3.69
7	Gangetic Plain	0.67	2.16
8	Coasts	1.90	6.51
9	North East India	1.13	2.54
10	Islands	10.92	15.43

All regions outside the above do not have the advantage of focussed legal protection, which leave these areas susceptible to problems of tourism development. The laws, which are general in nature, could easily be circumvented or bypassed for tourism development. *While debating on tourism and biodiversity these need to be taken into consideration and the measures and means that could be adopted against indiscriminate and detrimental tourism practices need to be put in place.*

3.4 Tourism Practices - current

The current practices of tourism however are that of sheer exploitation of nature, resources and also of the community who are dependent on such resources. There is enough proof to show that the tourism industry violates existing laws and disregard peoples' interests by deliberate moves. This includes the forest, mountains, deserts, coasts, backwaters, mangroves and islands.

Recreation

Golf courses as part of tourism recreation is gaining momentum in India. All the newly designed beach tourist enclaves have golf courses in their plan. The potential impact of these along the coastline and near coast had undergone critical studies. Apart from the destruction of sand dunes and natural coastal vegetation there are serious impacts of pollution of water bodies, ground water and the local environment:

1. Stream channelisation
2. Destruction of wet lands
3. Lack of wooden buffer along waterways
4. Elevated water temperature due to:
 - Lack of shading vegetation
 - Reduction of ground water inflow
 - Release of heated water from the surface of ponds and
 - The entry of heated storm water runoff from impervious surface
5. Reduction of base flow due to ground or surface water withdrawals
6. Release of toxic substances and oxygen deficient water from ponds
7. Intermittent pollution incidents such as spills of pesticides, fertilizers or fuel
8. Loss of pesticides or fertilizers by way of ground or surface water runoff
9. Entry of storm water pollutants washed from parking lots and the other impervious surfaces
10. Accelerated channel erosion due to increased storm-water runoff velocity or prolonging the amount of time channels are exposed to erosive velocities
11. Elimination of the scouring benefits of flooding by altering the frequency and/or magnitude of flooding
12. Poor erosion and sediment control during the construction phase, and
13. Inadequate treatment of sewage and other wastewater generated on the golf course.

(Richard D. Klein, *Protecting the Aquatic Environment from the Effects of Golf Courses*)

The Maharashtra Tourism Development Corporation (MTDC) proposes to set up tourist complex, golf course, watersport complex in 106.17-hectare creek land in Gorari, the place is full of mangroves. Manori golf course of international standard in 290-hectare land. Both these areas fall under the No Development Zone. The government thinks it can convert this into a *Total Development Zone*¹⁸

3.4a Coasts

One of the prime tourist interest areas is the coastal stretch of the country. Tourism has already exploited the traditional pilgrimage to its advantage in Puri in Orissa, Mahabalipuram, Kanyakumari in Tamilnadu and Gokarna in Karnataka. Modern tourism however has spread out in all the coastal states and islands of the country, but more intensely along the western coastal stretches of Goa, Keralam and Maharashtra. India's 7515 kilometres coastline is spread out in two distinct shores, the West Coast and the East Coast. Gujarat, Maharashtra, Goa, Karnataka and Keralam are on the West Coast, whereas Tamil Nadu, Andhra Pradesh, Orissa and West Bengal on the East Coast. India also

has two groups of islands: the Lakshadweep Islands and the Andaman and Nicobar Islands in Arabian Sea and Bay of Bengal respectively.

Coastal or beach tourism is spread out at places in all the following states and islands in varied forms and intensity.

- Maharashtra: Madh, Marve, Manori, Gorari, Bordi, Kihim, Harihareshwar, Ganapatipule, Bassein, Vijayadurg-sindhudurg, Alibagh, Velneswhar, Murud-Harani, Dahanu, Tarkarali, Juhu and Chowpati.
- Goa: Calangute, Colva, Betul, Palolem, Anjuna, Vagator, Baga, Dona Paula, Miramar, Bogmalo, Hartnal, Baina, Siridao, Mandrem and Morgim.
- Karnataka: Mangalore, Someshwara, Ullal, Panambur, Suratkal, Malpe, St.Mary's Island, Bhatkal, Karwar, Majhali, Binaga, Araga, Maravanthe, Koppa, Koodali, Murudeswara, Coondapoor, Honawar, Gokarna, Kumta, Mulki.
- Kerala: Kovalam, Veli, Sankumugham, Varkala, Kollam, Kozhikode, Mahe, Tallaseri, Kannur, Kappad, Bekal.
- Tamil Nadu: Kanyakumari, Vattakottai, Tiruchenddur, Rameswaram, Kurusadi Islands, Mandapam, Muthukkad, Mamallapuram, Covelong, Elliots Beach and Marina.
- Also the Union Territory Pondicherry, Karaikkal
- Andrapradesh: Bhimli, Waltair, Rushi Konda, Lawsons Bay, Beemunipattanam, Ramakrishna Beach, Manginapaudi, Mypad
- Orissa: Puri, Balighai, Konarak, Gopalpur, Chandipur
- West Bengal: Digha, Bakkhali,
- Lakshadweep Islands: Bangaram Islands
- Andaman and Nicobar Islands: Capital Area, Havelock Island, Long Island, Mount Diavolo, Saddle Peak areas

Tourism development in all well known beach tourism centers is disturbing in way of environmental as well as social degradation. Infrastructure development and related land requirements is a major issue in all of the beach tourist centers. The case studies presented below illustrate the observations.

Goa is the synonym for beach tourism in India with a coastline of 110 Km and a population of 1.3 million. The state is one of the richest in biodiversity. "Goa's unique topography encompassing estuarine and coastal systems to plateaus and hilly ghats nurtures over 4000 out of the 5412 known species of mammals reptiles, fish, birds, insects, plants, algae, ferns, micro fungi, mushrooms, yeast, bacteria and actinomycetes".

After nearly three and a half decades of mass tourism, Goan beaches are a live testimony to haphazard development. There are around 400 hotels and 350 shacks in and around the beaches. More than 77% of these are located along the beach, almost every one of them within the 200-meters of the High Tide Line (HTL). Destruction of sand dunes and erosion prone coast is what is left of Goa today. **Report of the National Committee on Tourism, Planning Commission of India** has observed; "the natural charm of coastal area and marine area is being adversely affected by massive tourist development. Goa can be cited as an example. The beach resort facilities are spread all along the coastline of Goa. They undermine the natural sand dunes ecosystems of the coastal areas. But the uncontrolled spurt in construction activity provoked by tourist influx in Goa, particularly the extraction of sand dunes for development works has led to a continual erosion of coastal areas by the relentless sea."

SUPREME COURT STAYS CONSTRUCTION OF BHARAT HOTELS AT CANACONA

A division bench of the Supreme Court headed by Justice S.P. Bharucha on Thursday (January 13, 2000) granted special leave on an appeal filed by the Goa Foundation against the judgement of the Bombay High Court at Mumbai which had dismissed the Foundation's petition against the construction of a 5-star resort at Rajebhag beach, Canacona. By the same order, the Supreme Court also ordered Diksha Holdings, which is constructing the hotel, to maintain status quo at the hotel site till the final hearing of the appeal.

The Goa Foundation had filed a detailed petition in December 1998 before the Panaji bench of the Bombay High Court seeking a writ quashing the environment clearance and other approvals granted to Diksha Holdings (owned by Delhi businessman, Lalit Suri). The petition stated that the Rajebhag beach on which the hotel was proposed to be constructed, had extensive sand dune formation and for this reason even the Ministry of Environment & Forests had classified the beach as CRZ I in the approved Goa Coastal Zone Management Plan.

During the course of arguments it emerged that several authorities had visited the beach and filed reports and it was an undisputed fact that the area had sand dunes. Some of the authorities however took the view that the sand dunes were low and therefore could be removed for the purposes of construction of the hotel.

On 11.2.99, a division bench of the High Court comprising Justices R.K. Batta and R.M.S. Khandeparkar admitted the petition and granted stay of the project on the ground that a prima facie case had been made out by the petitioner in relation to the existence of dunes on the plot. The division bench noted that since the area had sand dunes no construction was permitted on such plots. It also noted that a contour plan which originally showed sand dunes was later changed at the instance of the Chief Town Planner some time in the year 1997.

The division bench, in its interim order, also held that the CRZ notification did not distinguish between low dunes and high dunes. An appeal filed by Diksha Holdings against the interim order was dismissed by the Supreme Court on April 6, 1999. The apex court however directed the Bombay High Court to hear the matter afresh preferably within 4 months. When the matter came up for final hearing before the Panaji Bench in July 1999, one of the sitting judges refused himself from the case and it was transferred to Mumbai where it was posted before another bench headed by Justice N.J. Pandya. The matter was heard over 3 days and on 8.10.99 the Bombay High Court dismissed the petition and allowed Diksha Holdings to resume construction of the hotel. In its judgement, the Bombay bench held that though there were sand dunes on the plot, the petitioner had not made out a

case for their protection. Aggrieved by the judgement, the Foundation accordingly filed an Special Leave Petition in the Supreme Court listing as its primary ground that the CRZ notification did not distinguish between low dunes and high dunes. In the SLP, the Foundation also drew the attention of the Supreme Court to the fact that two division benches of the same court had taken diametrically opposite positions on sand dunes and therefore the Supreme Court would have to decide the legal issue involved. On 13.1.2000 the Supreme Court after hearing Senior Advocate Indira Jaising for the Goa Foundation and Senior Advocate Fali S. Nariman for Diksha Holdings passed an order granting special leave to the Goa Foundation against the Bombay High Court judgement and directed Diksha Holdings to maintain status quo at the construction site till final disposal of the appeal.

Resort construction activities in Kovalam, Kerala is right on the waterfront. The tourist industry paid heavily for this during the 1998 monsoon. Nearly 150 yards of the beach was submerged, washing away 200 kiosks and badly affecting a dozen lodges and 25 restaurants. While the hotel owners and district administration accuse each other for the cause it is the beach that suffers. “It wasn't the government that developed Kovalam into a popular destination but it was us locals. The least the government could have done was to act in time by dumping rocks (along the beach). After all, they earn so much foreign exchange because of Kovalam”, says BM Khan, Secretary, **Kovalam Resort Owners Association**. “These people have constructed their structures right on the beach in violation of regulations and now want us to protect them from erosion”, says District Collector Aruna Sunder Rajan.⁹

The Western Coast in general and the Kerala Coast particularly is erosion prone. The entire coastline itself is new formation. “...erosion is a major problem, especially in Kerala, where 6m/year is lost”. Dr Baba of Center for Earth Science Studies, Thiruvananthapuram, who heads the team for preparing the Coastal Zone Management Plan for Kerala, vouches for this.

A study on “Marine geological aspect of Dakshina Kannada coast” by Dr. K.R. Subramaniya and Jaganathappa Rao and published by the Mangalore University reveals “that the coastal erosion due to natural factors is very minimal. But it has been aggravated by man's interference with the natural process and due to faulty remedial measures”.¹⁰ General observations such as these elicit the existing pressures on the coasts, which are further intensified by tourism activities on the coasts. In India, major tourism centres are located along the west coast as in the case of Goa and Kerala.

Similar situations prevail in beach tourism centres of Mammallapuram and Kanyakumar in Tamil Nadu. Coasts adjacent to both these tourism centres face severe erosion and sea accretion. The community in Kanyakumari is sandwiched between the high raised buildings and the erosion prone beach, without space to even park their boats. In Mammallapuram, both the Temple Bay Ashok and Taj Fishermen's Cove lost their properties by sea accretion.

⁹ *Gods must be angry*, **Outlook** 28 August 1996

3.4b Forest regions

The thrust to nature based tourism, currently popular with the term ecotourism, has brought forests into the ambit of tourism discussions. With multiple stakeholders and interests already in this region, tourism has only aggravated the conflicts. There are ongoing discussions with the unsettled issue of displacement and negation of traditional and historic rights to the forest community when colonial laws were introduced in the country. The fast depletion of forests and thereby the flora and fauna has put people concerned with conservation, the government and the development of these forest areas at loggerheads. Tourism is yet another entry into these already heated turmoil.

The indigenous people and their rights issue today are more assertive and political. The forest laws have not been able to match the demands of the community. Therefore it is quite logical when the community raise the legitimacy of tourism in the forest region, whereby another new actor comes to these regions, while issues that the community raised still remain unresolved. Also the fact that the tourism industry is able to bypass the laws if they wish to had angered the community. This was evident in the Taj - Nagarhole National Park in Karnataka. While the community was up in arms against the displacement, the forest department allowed a three star hotel inside the national park in violation to the Wild Life (Protection) Act, 1972 is a pointer to the ongoing debate and to see on whose side the balance tilts.

The extent to which forests and ecologically sensitive regions need to be open for tourism with the adding pressures is yet another area of concern. The very fact that protected areas does not allow human intervention is challenged by tourism. Carving out tourism zones out of protected areas is the new trend. But even then would this be able to withstand the tourist pressure is under debate. For example, Periyar Tiger Reserve in Kerala receives more than 3.5 lakh tourists annually¹¹. With the new emphasis for nature-based tourism the competition is mounting but quite ironically there are no laws to meet up with this challenge. The creation of tourism zones within protected areas gives legitimacy to tourism inside. Currently, the Forest laws regulate this activity to some extent. As tourism gains more momentum, and 100% FDI accorded to tourism by the Central Government, the chances of these areas getting privatised become more probable (like heritage sites now being privatised, e.g., Taj Mahal.)

3.4c Backwater systems, mangroves

Wetlands, backwaters and marsh lands are areas tourism is venturing in their pursuit for new pastures. Sadly for these areas many of them do not have any legal protection. Wetlands and backwaters are considered as extremely rich biomass producers. They could produce 5 to 12.5 grams of biomass in

¹⁰ Vijayakumar R., *Remedial Measures Faulty. The Hindu*, 28 May 1993

¹¹ Dr Mallick, Amit. 2001. Periyar Tiger Reserve and Ecodevelopment Project – a Status Paper. Periyar Tiger Reserve, Thekkady

one square metre every day. The reason why human life flourished around these regions is its ability to support a wide range of fish, shellfish and also support agriculture. The famous Kumarakom backwater tourism destination in Kerala could be cited as an example for the ill planned tourism development. There are already 15 resorts and hotels in this tiny village, all of them adjoining the waterfront. The bird sanctuary has been disturbed, mangroves have been destroyed by the construction of resorts. Speedboats and passenger boats have become a threat to the local fishermen and women shellfish collectors. Around 150 *Kettu vallams* (house boats) operate in the backwaters dumping waste and human excreta into the water (see box). The entire region has acute shortage of drinking water. The outboard engines, used largely for house boats and speed boats, have caused extinction of the rays, a species of bottom-dwelling fish, reported from Vembanad In a sample survey conducted by EQUATIONS at Kumarakom Panchayat, people have confirmed that tourism has not helped either the environment or the resources on which the community had depended.

Changes in the Kayal (backwater) in the last ten years

	Increased	Remained same	Shrunk/ Deteriorated
Lake area	0	18	84
Water quality	1	5	101
Area of Mangrove	1	4	108
Fish availability	1	9	101
Area under paddy	3	6	105
	For better	Not changed	For worse
Bird Sanctuary	7	23	68

Source: Sustainable tourism management plan for Kumarakom Panchayat, Kerala

Knowledgeable with these experiences, Kerala Government has leased out another haven for birds in the same Vembanad *Kayal* – the Pathiramanal Islands – to the Oberoi Group of Hotels for tourism development.

Mangroves are one of the most sensitive, and yet important features related to the coast and its ecology. They are a unique ecosystem by virtue of their intertidal position, species composition and tropical and sub tropical distribution. They constitute an important resource and functions as an ideal spawning, breeding and nursery grounds for fish and crustaceans.

Depletion of mangroves has significant repercussions. The immediate effects of mangrove depletion are felt in terms of change in the coastal cycle and the dynamics of the land-sea interface. The recent cyclones in Orissa have been shown, on the basis of scientific analysis to be the result of mangrove depletion. It is clear that at least such a great loss of life and property could have been avoided, had the mangrove systems in the region continued to function as the protectors of the coast.

It is in these rich resources that tourism has found another region for development. While large stretches like the Pitchavaram and Sunderbans receive protection, sparse and extensive distribution like in the western coastal region is left to the mercy of developers. The loss of mangroves can cripple a coastal community entirely, by affecting their safety, medicinal requirements as well as their livelihood.

It is these regions tourism is finding its fresh plans. Pitchavaram has already seen tourism development in the past, but currently limited to boating into the interiors. But there are plans for further development.

Many of the Indian states are encouraging the development of ecotourism; there are reports that the West Bengal government is planning ecotourism in the Sunderbans¹². This example shows the spread of tourism into ecologically sensitive areas like mangrove ecosystems. However, this is still in a proposal phase and further comments cannot be made at present.

Proposed tourism development plans in the Sunderbans

Sunderbans, a cluster of islands lies in the lap of the Bay of Bengal for about 3000 sq km spreading over 105 constructive islands (West Bengal part, rest 1500 sq. km in Bangladesh). Out of 105 islands, 55 islands are inhabited with a population of 50 lakhs. The southwestern part of the Sunderban mainly Kakdwip, Namakhana, Sagar Islands are grid connected and got importance due to tourist attraction. The other dislocated islands are going to be connected with solar power plant, biomass power project at a staggered phase. Some of technological inputs in the form of solar energy gadgets like solar PV operated lighting system, solar refrigerator, solar powered health clinic have also been taken into our consideration in the scope of the Project for more and more awareness. The possible area to be developed to make Ecotourism as a success:

- To develop the infrastructure like improvisation of Tourist lodge
- Jetty facility
- Resting
- Lodge with light refreshment
- Medical facility
- Transit Stations with computer internet, Fax facility
- Communication Facility (National/International)
- Facilitation of Surface Transport with Navigation and Resort facility

A lead NGO with a back up support of institutions and chain of hotels will take up the responsibility to implement the tourism project with a mission mode. Envisaging tourism as the abode of million people for employment creation and other associated developments, it is also seen as an opportunity for development in the neglected areas like education, health care, income generation on agro processed route. It is also believed that once the awareness on Environment Education will be generated in the minds of the people, it will definitely create a new era of Development initiatives, which can encompass various unknown parameters.

¹² Mukherjee, Kritivas, ' July 29, 2001 ' ADB loan for Sunderbans forest development, , Indo-Asian News Service

3.4d Mountain and hills

The mountain regions in the country are hot spots for adventure tourism. Mountaineering, which was the traditional adventure sport in the Himalayas has increased significantly and further diversified into skiing and white water rafting. White water rafting can now be observed on the Ganga from Haridwar and upstream. There are interesting changes happening in this stretch; new identity being accorded to places like 'Coca Cola Points'. The Himalayas are in the news perpetually for the pollution and waste created by the mountaineers. It was not that there were not enough warnings. Capt. MS Kohil (1981) describing his mountaineering expeditions in the Everest Area had the following to say. "In June 1975, almost four years after the Himalayas was put on the world tourist map, I took a team to Mount Everest in order to meet some old sherpa friends. The Everest trail, once so clean and un-polluted had now turned into a 'garbage trail', full of food and juice tins, beer bottles, chocolate papers and all kinds of rubbish. I could not believe such a sight".

Increased and inappropriately managed tourist activities in the region has necessitated in the growth of infrastructure. Often this clashes with the local resource use. The conflict for resource use for tourism development and the local community became evident in the *Bugjyal* area of the Garhwal Himalayas in Uttar Pradesh. Pasturelands were converted for lodging houses for tourists. The conflict was settled through legal interventions where the court ruled that it was not for man to erode the sanctity of the area but should be returned to nature.

Om Prakash Bhatt vs. State Of UP¹³

The Om Prakash Bhatt vs. State of Uttar Pradesh brought a welcome trend where the Judges granted relief on the basis of common property rights. The complaint to the court pertained to the *Bugjyal* area of the Garhwal. The submission of the residents of the area was that these areas are pasturelands to the sheep and the shepherd. "It was basically an ecosystem by itself and this delicate balance between the ecology and the environment had to be understood and respected. It cannot be defiled and the intricate balance of nature should not suffer from the presence of aliens on these pasture lands as it keeps the away the sheep and the shepherd, thus disturbing the ecology. This living phenomenon may be watched but cannot be tread upon"[Rosencranz et al, 2001¹⁴]. The complaint was that the Garhwal Mandal Vikas Nigam [henceforth GMVN] had put up pre-fabricated lodging houses as a hotel for tourists on the slope of the *Bugjyal*. The next issue was that the indiscriminate import of plastic and non-biodegradable material was playing havoc with the environment. This was further accentuated with the fact that the tourist and trekking pilgrimage routes were scenes of indiscriminate littering by the Tourists, the pilgrims and the trekkers.

¹³ This is a synopsis of the case from Rosencranz A and Divan S. 2001 "Environmental Law and Policy in India – Cases, Materials and Statutes". Second Edition. Oxford University Press, New Delhi. pp 323- 327

¹⁴ *ibid* pp 323

The response of the GMVN was that the lodging houses were established with the funds of the Government of India with due clearance and there was a lot of money spent on the construction of the complex. The court felt mere expenditure was no ground to degrade the ecology and the environment. The money spent by the GMVN was a **misplaced expenditure**. The *Bugiyal* belongs to the people. It is an ecosystem by itself. Nature has tailored it. Clearly putting up a tourist-lodging house on the *Bugiyal* was a mistake. The court had during the seasons 1994 –95 and 1995-96 not interfered with the GMVN's occupation of this sensitive area as it had expected the GMVN to see the reality and unwind its operations of running a tourist camp. The Court also felt that if a state financed Tourist camp has been planted on the *Bugiyal* there are other five star hotel groups waiting to encroach on this area. The Court thus directed the GMVN to unwind its operations before the end of March 1997. The Chief Conservator of Forests [Hills] would ensure that this was done. Further no allotment should be made in respect of occupation of the pasturelands. The Court pronounced that it was not for man to erode the sanctity of this area. It must be returned to nature to provide for what it was meant; the sheep, the shepherd, the wild flowers, the micro- organisms and the plant and insect below the turf and in the shrubs at the altitude.

Activities in the mountainous regions when curtailed can prove to be contributing the biodiversity. This is evident in the case of Nanda Devi National Park, now in Uttarakhand. Mountaineering expeditions used to leave behind waste and unused materials in the base camp till the park was closed in 1982. Forest officials and scientists from the Wildlife Institute of India (WII) who have been keeping close watch on the park has come out with documents which prove that biodiversity of the park had greatly increased ever since.

Hill regions, attractive for their soothing climate and picturesque landscape have attracted holidaymakers and picnickers. As these activities increased infrastructure development began ruining the very attractions. In the high altitude places like Manali vehicular traffic is a major issue, which is further aggravated by the crammed parking lots with oil spillage and other wastes as in the case of Sona Marg. Seasonal streams and tarred pathways crisscross each other often blocking the natural flow of the stream. Constructions without planning occupy any available space. One could witness the tourists climbing higher and higher for cleaner snow as the lower regions get polluted and dirty in Patni top.

Ooty and Kodaikanal, famous south Indian hill stations and also tourist sites have gone through unprecedented construction and infrastructure development causing landslides almost every year. Initiations to arrest unplanned and often detrimental constructions through regulatory mechanisms like the Hill Area Development Authority (HADP) is a boon, though at the same time prone to economic and political manipulations. The infamous Pleasant Stay Home case in Kodaikanal is a glaring example of the builder-politician nexus. The hotel group, which grossly violated the construction regulations by building a seven-story hotel, was given an exemption by the Tamil Nadu government.

Kumarakom bird sanctuary and backwater tourism¹⁵

The breath taking beauty of lush greenery and towering coconut trees along the backwaters have always attracted the people living outside that environment. It was this attraction that prompted the tourism department to convert this region to tourism, what it termed as 'backwater tourism or *Kayal* tourism'. The selling product they coined was '*kayal, karimeen and kuyil*'. Which meant, backwaters, a particular species of fish found in the backwaters – *karimeen*, and the Indian nightingale, *Kuyil*. The first site identified for this was Kumarakom.

The tourism brochures started 'selling' Kumarakom as; '*Kumarakom is a place right in the heart of lush tropical waterways with innumerable exotic birds visiting this picturesque little village*'.

What the brochure said was true. The total land area of Kumarakom is 5167 hectares. Of this, the land is 2687 ha and the remaining 2479 ha is *Kayals* and other minor water bodies. There are around 50 species of fish found in this region. Kumarakom area supports rich mangrove vegetation consisting of 17 species. There are an equal number of associated plants. It was all these put together that created the natural settings for birds to this place. It is estimated that Kumarakom plays host to around 49 species of migratory birds. There are also around 91 species of resident birds in the region. But there are instances of more being present. For example in 1995-96, the noted ornithologist Dr. Sugathan recorded sighting of 160 species of birds here.

Kumarakom is a bird sanctuary to bird watchers and lovers of nature, though officially not notified as a bird sanctuary. This has a history of its own. It was in 1976 that a 106 acres of lush green patch of land and mangroves on the banks of Vembanad *kayal* was handed over to the Kerala Tourism Development Corporation by the then owners of the property. The transfer of the estate was for an insubstantial sum, for the motive of the estate owner was to preserve and convert the place into a bird sanctuary for the common people and especially for nature loving students.

This turned out to be the disastrous for the birds and mangroves of the sanctuary. The nature lovers all over Kerala, and especially the bird lovers from all over India, expected that the first step that KTDC would take would be to officially notify the place as a sanctuary. (It was Dr. Salim Ali who authored 'Birds of Kerala' way back in 1930. He had visited Kumarakom during that time). This could have been a matter of simple act between two departments. All that KTDC had to do was to bring the tourism department and the forest department together for such a move. But then it would have been acted against the interest of KTDC and its private partner Taj Groups of Hotels. Since once the sanctuary is officially notified, the governance and management of the place would be with the forest department. The forest department could act only in accordance with forest laws and rules. Even tourism could be done only in a controlled manner. Instead the KTDC along with its business partner the Taj group of hotels began the 'tourism' activity right inside the bird sanctuary, with total disregard of basic norms of sensitivity to the sanctuary, birds and mangroves.

It takes a different mind set altogether to how to manage tourism in an ecologically sensitive area. It is not that modern tourism development lack knowledge of this. Tourism, in sensitive environments, is the most debated issue today and the whole range of coinages like responsible tourism, sensible tourism, eco-tourism, etc. are the product of this awareness. But the KTDC managers do not even consider referring to documents, to which their own state government is committed. The document, state tourism ministers conference – guidelines for the development of eco-tourism states, "nature tourism (eco-tourism) is distinguished from mass tourism or resort tourism by having a lower impact on the environment and requiring less infrastructure development. The key elements of eco tourism include a natural environment as the prime attraction, an optimum number of environment friendly visitors activities, which do not have any serious impact on the ecosystem and the positive involvement of the local community in maintaining the ecological balance".

¹⁵ EQUATIONS 2000. "Illustrations: Case studies on development and the coast: Tilmatti, Kannur, Pitchavaram, Backwaters of Kerala". EQUATIONS, Bangalore. March.

KTDC and the Taj groups together had converted the bird sanctuary into a 'sanctuary of hotels'. KTDC has floated the goodwill and credibility on which the owner of the sanctuary, Mr. Baker handed over the property to them. He could have sold the property to any hotel groups or individuals and made profit. Instead what he envisaged was that, under the government, his property shall remain and continue to be a common place for the public to come and enjoy nature. Instead the KTDC is systematically transferring the land into the hands of private sector. In 1992 they transferred the Baker Palace to Taj. Twelve acres of land, the main palace, 'coconut house' and the lotus pond was handed over to the Taj in two phases. The main bridge to the sanctuary, which was constructed by the government, has also later gone the Taj way. The canal that could hold five houseboats for repairs and maintenance, and the boat sheds, were handed over to the Taj without any guidelines. There is again the move to hand over two and a half acres of land to the Taj.

While this privatisation syndrome continues, on the other side the KTDC themselves are involved in the greatest destruction of the sanctuary. Work is ongoing inside the sanctuary for what the KTDC terms as the 'tourist village'. The village is under construction. The inside of the village is and the guidelines for the nature tourism are worth comparing. There are forty air-conditioned cottages, all facing the water front. The cottage is being built on steel columns, each seven feet high and this would be surrounded by little islands with a small lawn and local fruit bearing trees. The village would have all modern facilities including swimming pools, an amphitheatre and a poolside bar. The entry to the village would be from the waterfront.

What has been lost to 'manufacture this 'village' inside the sanctuary, are the mangroves and associated vegetation, which have been cleared and burnt. The sanctuary that was hidden from the *Kayal* by thick growth of vegetation today stands naked. The small trekking path on the southern side of the sanctuary has been replaced by a road.

The happenings on the surrounds of the sanctuary are also no better. The minor *Kayals* are being filled up for hotel and other infrastructure developments. The mangroves are systematically being decimated. The tourist motor boats are adding pollution to the *kayal* and thereby killing the fish.

Dr. Sugathan's study states that an estimated three-fourths of the birds had migrated to the nearby Pathiramanal from Kumarakom. According to the study, unplanned tourism development is the main cause for this. The decimation of mangroves is another reason for this. The government is maintaining a silence on these clear violations. High-power lights inside the sanctuary, erected by the Taj, disorient the birds in the night and while nestling. Requests for removing this have not been complied with. The government could easily take action, even against the harassment of birds categorised under Schedule I, under the Wild Life Protection Act. But then, prosecuting Taj is not on the agenda of the government, tourism department and of course the KTDC, as they cannot complain against their own partner in destruction.

SECTION 4: ECOTOURISM

4.1 Ecotourism

The term 'ecotourism' was coined by a marketing agency that was promoting Costa Rica as a rainforest destination and since then it has been seen as a niche market by the World Tourism Organisation, as it uses resources that are linked to the biodiversity and cultural pluralism of third world societies or countries, which have been forced into tourism as a core competency area by inter-governmental agencies for development.

IUCN (now called the World Conservation Union) states that ecotourism:

"...Is environmentally responsible travel and visitation to relatively undisturbed natural areas, in order to enjoy and appreciate nature (and any accompanying cultural features - both past and present) that promotes conservation, has low negative visitor impact, and provides for beneficially active socio-economic involvement of local populations." [IUCN, *Tourism, Ecotourism and Protected Areas*, Ceballos-Lascurain, 1996]

Ecotourism has come to be mistaken synonymously with tourism in protected areas and/or areas of significant ecological values like wildlife; though the kind of tourism being promoted and practised is very much mainstream tourism, only the locations have become much more fragile than the cultural and resort-tourism destinations that had been developed in previous decades. Although it has a reference from the economics of the tourism industry as a form of nature-based tourism, it has been formulated and studied as an instrument for sustainable and equitable tourism by various individuals and organisations. These studies have shown that the impacts are far from conservationist or sustainable; indigenous communities still face evictions from within the wildlife sanctuaries and national parks; forest-produce gatherers and pastoralists continue to be kept out, sometimes leading to conflicts with the Forest Departments. In such a scenario, the introduction of tourism in the same protected areas is, in a way, doing injustice to the whole conservation debate. Hence, the connotation to ecotourism is both conceptual and socio-economic.

4.2 Ecotourism as a concept

Ecotourism has been classified as a sub-component of sustainable tourism practice by international organisations like the UNEP and WTO-OMT, and therefore it was believed that it would ensure sustainable development and use of natural resources. Sustainability concerns should address environmental and social concerns equally. Peoples organisations and movements therefore believe that for any nature-based or community-based tourism, it should initiate the evolution of principles, guidelines and, in some cases, certifications that are based on standards of sustainability drawn from national, cultural traditional and scientific concerns at specific sites. This makes it clear that peoples

and communities feel uncomfortable with the stress being given to “ecotourism” because it does not express their concerns and aspirations. Until there is consensus at the grassroots on the definition, we prefer not to use the term. We therefore would like to see these issues discussed under the rubric of Sustainable Tourism. However, for simplicity’s sake, we have continued to use the term elsewhere in the Paper.

4.3 Conservation, Equal Access and Participation for Sustainable Tourism

Tourism, being commercial use of biodiversity, in Protected Areas, is antithetical to biodiversity conservation, and therefore if at all it is promoted in these areas:

- a. Tourism should ensure the conservation of biodiversity and natural resources in their pristine forms through low resource utilisation and substantial contribution of economic benefits by all stakeholders and beneficiaries. The onus of ensuring this from the tourism industry should rest on governments and should be reflected in national legislative and regulatory frameworks.
- b. Tourism development should ensure Participatory and Benefit Sharing Mechanisms to include social and political benefits, apart from the economic and environmental benefits to the environment and Local Communities¹⁶.

When experiencing nature is redefined as tourism - an industry that is recognised as capital intensive, it also raises serious concerns in the absence of precautionary legal guidelines and principles.¹⁷ Under such circumstances the practice of tourism can only be termed as mass tourism. The recent tendency to qualify tourism in ecologically sensitive regions, like the forests and the coast, as ‘ecotourism’ or ‘nature tourism’ is too vague a terminology as it is applied for the convenience of tourism service providers. The very reason why tourism industry opted for this terminology was because wherever tourism is practiced it has proven to be detrimental to the environment, the social fabric and promoted dehumanising situations like displacement, marginalisation of local communities, siphoning of natural resources and violation of basic human rights.

Tourism providers today define ecotourism to their convenience and advantage. A solar heating system, water recycling unit or use of paper bags is good enough for a hotelier to lay claim to the ecotourism label. However they would evade putting into practice certain broadly evolved and

¹⁶ Sustainable Tourism should recognise that ecosystems have indigenous/local communities who have always been part of it, have evolved their lifestyles that are balanced with the sustainability concerns, and have their own political processes that have led to local community institutions like the Panchayats. Sustainable Tourism promotion by any proponent should respect these aspects and, without overriding these, it should be done on a participatory level right from the approval stage, which is taken from the Panchayats, planning, implementation, development, monitoring, evaluating and research. Only if the Panchayats agree to ecotourism should it be commenced and other departments like Forests, Tourism etc. should not initiate it without due consent from the local Panchayats.

¹⁷ Draft Wildlife tourism guidelines, 1997 still remain in the draft form

accepted norms of sustainable tourism. This contradiction would continue as long as governments see tourism as a means to economic development and thereby necessarily ignoring its impacts. Sustainable tourism is based on principles of participation; consultation and sharing of benefits among all stakeholders especially the local community on whose resources ecotourism thrives.

On one hand, even as the sustainable tourism concepts are agreed upon and accepted on paper, the implementation part misses the target by a huge margin. The national tourism policy of India 2002 particularly identifies crucial ecologically sensitive areas for the development and promotion of tourism. In article **3.4 - Improving and Expanding Product Development**¹⁸, it states that “In relation to the development of products that are related to the special interests of the target markets, the product development strategy should be to:

- Develop sustainable *beach and coastal tourism* resort products based on a more flexible approach to developments in the coastal zone.
- Develop and position the Cochin and Andaman & Nicobar Islands as *international cruise destination*. This positioning is supported by their proximity to international cruise routes, their exotic appeal and the need for high quality, low impact eco-tourism activities in the islands, and develop a dedicated cruise terminal...
- Actively promote the development of *village tourism* as the primary tourism product...
- India has some of the greatest variety of fauna in the world that has perhaps not been exploited to its full potential for tourism. In this context, the wildlife sanctuaries and national parks need to be integrated as an integral part of the India tourism product, and priority needs to be given to the preparation of site and visitor management plans for key parks, after a prioritisation of parks.
- Mountain based adventure (soft and hard) activities in the Himalayas, creating the ‘Himalayas’ as the brand and icon of Indian adventure tourism should be developed and promoted.”

4.4 The Case of Stewardship

Tourism activity is poised to reap benefits by exploiting nature. However, it is interesting to note that all this is being done, by the perpetual insistence of every one involved, solely for the purpose of conservation. This has led to, in the case of tourism, an attempt to hoist the banner of conservation by each facilitator. The tourism departments claim conservation through tourism promotion as a major focus on their agenda; the tourism industry, more so the big players among the hotel industry, claim to be aiding conservation by implementing eco-friendly practices. But the most significant development is especially when institutions like the Forest Department take on the role of tourism facilitation.

It is to be kept in mind that the approach of the Forest Department to any resource in the area under their jurisdiction is more commercial than conservationist. As they are constantly under pressure to

¹⁸ <http://www.tourismofindia.com/tourismpolicy2002>

raise revenues for the State Exchequer, and complemented by the fact that lobbying by the Tourism Departments and Industry opens up spaces in rich natural areas, they easily resort to it, shifting roles from regulators of detrimental activities to facilitators. Thus, the stewardship of ‘conservation through tourism promotion’ is taken up by the Forest Departments.

It is important to note that ‘ecotourism’ is being promoted because it attracts western tourists, more revenue, and not merely for conservation purposes. What benefit does its promotion bring to the people displaced due to zoning and closure?

The method by which the Forest Departments develop tourism is by building of metalled roads, bridges and culverts, constructing accommodation facilities and by installing infrastructure for supporting ‘tourism’ activities like picnic spots, trekking, treetop houses, watch towers etc. this leads to an influx of fuel driven vehicles, which are a nuisance, and sometimes a threat, to the flora and fauna. As tourist volumes increase, novel ways of providing the ‘other’ experience are created. Sometimes it may be side events like “Tiger Shows”, as in the case of Bandhavgarh, where tigers are lured by baits to an area where tourists can see tigers in the wild from the safety of a *machan*, or in worst cases elephants carrying tourists surround the tigers. Opening up of biodiversity rich areas has brought in its share of other problems; poachers and biodiversity pirates in the guise of tourists to enter such protected areas.

The Centre wants tourism on the Concurrent List to “integrate” the development of tourism so that the Centre has more powers. This would be contrary to the process of devolving more powers to Panchayati Raj Institutions, which has been the mandate of the 73rd Constitutional Amendment.

The basic issue in the sustainable tourism debate is one of carrying capacity, which should be based on rights of communities rather than on colonial rights of governments to displace people at will. The impacts of commercial tourism in natural areas and on the lives of indigenous communities will have to be evaluated.

The Nanda Devi Biodiversity Conservation and Eco Tourism Declaration

October 14, 2001 Gram Sabha Lata, Chamoli, Uttaranchal

Today on the 14th of October, 2001 in the courtyard of the temple of our revered Nanda Devi, we the people's representatives, social workers and citizens of the Niti valley, after profound deliberations on biodiversity conservation and tourism, while confirming our commitment to community based management processes dedicate ourselves to the following –

1. That we, in accordance with the resolutions adopted by the World Tourism Organisation's Manila Declaration 1997 on the Social Impact of Tourism will lay the foundation for community based tourism development in our region
2. That in our region we will develop a tourism industry free from monopolies and will ensure equity in the tourism business
3. With the cessation of all forms of exploitation like the exploitation of porters and child labour in the tourism industry, we will ensure a positive impact of tourism on the biodiversity of our region and the enhancement of the quality of life of the local community
4. That in any tourism related enterprise we will give preference to our unemployed youth and under privileged families, we will also ensure equal opportunities for disabled persons with special provisions to avail such opportunities
5. That we will ensure the involvement and consent of the women of our region at all levels of decision making while developing and implementing conservation and tourism plans
6. While developing appropriate institutions for the management of community based conservation and eco tourism in our area we will ensure that tourism will have no negative impact on the bio diversity and culture of our region, and that any anti social or anti national activities will have no scope to operate in our region
8. We will regulate and ensure quality services and safety for tourists and by developing our own marketing network will eliminate the middlemen and endeavour to reduce the travel costs of the tourist
9. While developing the tourism infrastructure in our region we will take care of the special needs of senior citizens and disabled persons
10. As proud citizens of the land of the Chipko movement we in the name of Gaura Devi will establish a centre for socio-culture and biodiversity, for the conservation and propagation of our unique culture
11. We will ensure the exchange and sharing of experiences with communities of other regions to develop eco tourism in accordance with the Manila Declaration of 1997 in those regions
12. Acknowledging the spirit of Agenda 21 of the Earth Summit, Rio 1992, the Manila Declaration on the Social Impact of Tourism 1997 and the International Year of the Mountains and Eco tourism, 2002, we will strive for bio diversity conservation and an equitable economic development within the framework of the Constitution of the Republic of India
13. Today on October 14, 2001, in front of our revered Nanda Devi, and drawing inspiration from Chipko's radiant history we dedicate ourselves to the transformation of our region into a global centre for peace, prosperity and biodiversity conservation.

4.4 Indigenous Peoples

In the context of biodiversity, the indigenous communities have always been at the receiving end of the consequences of constitutional amendments and developmental activities. The laws that were enacted during the British rule were very colonialist-centred and gave the Government absolute control over natural areas, especially forests for the extraction of timber and game reserves for the hunting of wildlife. These areas were the original habitations of the indigenous peoples and they subsisted on forest-produce through hunting-gathering techniques; sometimes practicing agriculture in small land-holds. The laws like the Indian Forest Act, 1927 and the Cattle Trespass Act completely abolished the indigenous peoples' share in the forests and established the state's sole authority in maintaining and safeguarding the forest areas. The state had the complete liberty to use the forests according to its own 'developmental' plans, whereas the indigenous community was sidelined. When the demands for the use of forest areas increased, the indigenous communities were permitted to collect some firewood, other minor produces and graze cattle in small areas. There have been numerous cases of PAs in India where the indigenous communities were displaced and other activities were implemented by the State itself in the same areas. One such activity is tourism. What rationale can be given for allowing tourism to occur in an area of ecological importance when the indigenous people have been evacuated from there and an alien set of people are allowed instead. When the tourism related establishments have an additional pressure, which more often than not is manifold when compared to usage by the indigenous peoples, on the biodiversity and resources and the blame is conveniently shifted on the indigenous people for 'unsustainable' practices.

The coastal community is another resource dependent lot who risk the development of coastal tourism in the country. Vast stretches of coastal land are being converted to beach tourism development affecting the community in their livelihood as well as living spaces. This is glaring evident in the southern states, where beach tourism is of much prominence. The CRZ, which is the only piece of law, has been amended to suit the tourism industry and this encroaches into the life of the community. The current tourism development does not include the community while planning, implementing or benefit sharing of tourism. Unlike the PAs and indigenous community, where substantial amount of research and discussions had taken place over the years, the coastal issues as well as that of the community are yet to gain similar proportions. There is a major threat looming over the coastal biodiversity and community unless the tourism industry disciplines itself.

SECTION 5: LEGAL FRAMEWORKS RELEVANT TO TOURISM AND BIODIVERSITY IN INDIA

5.1 Wild Life (Protection) Act, 1972, Amendment 1991

In 1972, the Parliament enacted the Wild Life (Protection) Act pursuant to the enabling resolutions of 11 states under Article 252(1) of the Constitution. The Wild Life (Protection) Act provides for state wildlife advisory boards, regulations for hunting wild animals and birds, establishment of sanctuaries and national parks, regulations for trade in wild animals, animal products and trophies, and judicially imposed penalties for violating the Act. Harming endangered species listed in Schedule I of the Act is prohibited throughout India. Hunting other species, like those requiring special protection (Schedule II), big game (Schedule III), and small game (Schedule IV) is regulated through licensing. A few species classified as vermin (Schedule V) may be hunted without restrictions. Wildlife wardens are empowered to administer the Act. The Act was amended in 1982 and a provision was introduced permitting the capture and transportation of wild animals for the scientific management of animal populations.

5.1a Principles

The relevant sections of the Act that have been taken into consideration for addressing tourism issues are:

Section 27(1)(d): [Restriction on entry in sanctuary - No person other than] a person passing through the sanctuary along a public highway.

Section 27 (4): No person shall tease or molest any wild animal or litter the grounds of a sanctuary

As per Section 28 (1) of the Act, it specifies that entry may be allowed in a wildlife sanctuary by a written permission of the Chief Wildlife Warden for the purpose of:

- (a) investigation or study of wildlife and purposes ancillary or incidental thereto;
- (b) photography;
- (c) scientific research;
- (d) **tourism**;
- (e) transaction of lawful business with any person residing in the sanctuary

and sub-section 2:

A permit to enter or reside in a sanctuary shall be issued subject to such conditions and on payment of such fee as may be prescribed.

Section 32: Ban on use of injurious substances. – No person shall use, in a sanctuary, chemicals, explosives or any other substance which may cause injury to or endanger, any wildlife in such sanctuary.

Section 35 (8) The provisions of sections 27 and 28, section 30 to 32 (both inclusive), and clauses (a), (b) and (c) of ¹⁹[section 33, section 33A] and section 34 shall, as far as may be apply in relation to a National Park.

5.2 The Forest (Conservation) Act, 1980

The Forest (Conservation) Act 1980 was enacted by the Central Government to check the alarming rate of India's rapid deforestation and the resulting environmental degradation. As per the amendment in 1988, the Act lays down that the approval of the Central Government is required before a state "dereserves" a reserved forest, uses forest land for non-forest purposes, assigns forest land to a private person or corporation, or clears forest land for the purpose of reforestation. An Advisory Committee constituted under the Act advises the Centre on these approvals.

5.2a Principles

The term 'forest land' mentioned in Section 2 of the Act refers to reserved forests, protected forests or any area recorded as forest in the government records. Lands which are notified under Section 4²⁰ of the Indian Forest Act would also come within the purview of the Act. All proposals for diversion of such areas to any non-forest purpose, even if the area is privately owned, would require the prior approval of the Central Government.

The Forest (Conservation) Act, 1980 lays down in Section 2 that

"2. Restriction on the preservation of forests or use of forest land for non-forest purpose. —

Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing—

- (i) that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;
- (ii) that any forest land or any portion thereof may be used for any non-forest purpose;
- ²¹(iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government;

¹⁹ Subs. By Act 44 of 1991, sec. 32 (w.e.f. 2-10-1991).

²⁰ Notification by the State Government.-(1) Whenever it has been decided to constitute any land a reserved forest, the State Government shall issue a notification in the Official Gazette –

- a) declaring that it has been decided to constitute such land a reserved forest;
- b) specifying, as nearly as possible, the situation and limits of such land; and
- c) appointing an officer (hereinafter called "the Forest Settlement - officer") to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised within such limits or in or over any forest produce, and to deal with the same as provided in this Chapter.

(iv) that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for re-forestation.

Explanation. —For the purpose of this section “non-forest purpose” means the breaking up or clearing of any forest land or portion thereof for—

(a) the cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants;

(b) any purpose other than re-forestation,

but does not include any work relating or ancillary to conservation, development and management of forests and wildlife, namely, the establishment of check-posts, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes.”

This article is further explained in detail in the Application of the Forest (Conservation) Act, 1980, Section 1.3, Sub-clause (iv):

‘The work of actual construction would however fully attract the provisions of the Act and prior clearance of the Central Government must be obtained even if such work does not require felling of trees’.

And in relation to non-forest purpose:

“(i) Cultivation of tea, coffee, spices, rubber and palm is a non-forest activity, attracting the provisions of the Act.

(ii) Cultivation of fruit-bearing trees or medicinal plants would also require prior approval of the Central Government except when:

(a) The species to be planted are indigenous to the area in question and

(b) Such planting activity is part of an overall afforestation programme for the forest area in question.”

The Forest (Conservation) Act, 1980 also promulgates in Section 2(iii)

“That any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government”.

5.3 Coastal Regulation Zone Notification

The coastal regulation zone (CRZ) notification 1991 under the EPA 1984 was issued on 19th February 1991. The Notification states that “in exercise of the powers conferred by Clause (d) of sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986, and all other powers vested in its behalf, the

²¹ *Ins. By Act 69 of 1988*

Central Government hereby declares the coastal stretches of seas, bays, estuaries, creeks, rivers and backwaters which are influenced by tidal action (in the landward side) upto 500 meters from the High Tide Line (HTL) and the land between the Low Tide Line (LTL) and the HTL as Coastal Regulation Zones; and imposes with effect from the date of this Notification, the following restrictions on the setting up and expansion of industries, operations or processes, etc. in the said Coastal Regulation Zone (CRZ).

The Notification classified the CRZ into four zones. Annexure I, Coastal Area Classification and Development Regulations.

Classification of Coastal Regulation Zone:

6 (1) For regulating development activities, the coastal stretches within 500 metres of High Tide Line on the landward side are classified into four categories, namely:

Category I (CRZ-I):

- (i) Areas that are ecologically sensitive and important, such as national parks, marine parks, sanctuaries, reserve forests, wildlife habitats, mangroves, corals/coral reefs, areas close to breeding and spawning grounds of fish and other marine life, areas of outstanding natural beauty/historically/heritage areas, areas rich in generic diversity, areas likely to be inundated due to rise in sea level consequent upon global warming and such other areas as may be declared by the Central Government or the concerned authorities at the State/Union Territory level from time to time.
- (ii) Areas between Low Tide Line and High Tide Line.

Category II (CRZ-II)

The areas that have already been developed upto or close to the shoreline. For this purpose, “developed area” is referred to as that area within the municipal limits or in other legally designated urban areas which is already substantially built up and which had been provided with drainage and approach road and other infrastructural facilities, such as water supply and sewage mains.

Category-III (CRZ-III)

Areas that are relatively undisturbed and those which do not belong to either Category-I or II. These will include coastal zone in the rural areas (developed and underdeveloped) and also areas within Municipal limits or in other legally designated urban areas which are not substantially built up.

Category-IV (CRZ-IV)

Coastal stretches in the Andaman & Nicobar, Lakshadweep and small islands, except those designated as CRZ-I, CRZ-II or CRZ-III.

Tourism development in the coastal regions comes under the preview of the CRZ. Under section *Norms for regulation of activities of the CRZ* tourism related constructions are permitted in CRZ-III;

(ii) Development of vacant plots between 200 and 500 metres of High Tide Line in designated areas of CRZ-III with prior approval of Ministry of Environment and Forests (MRF) permitted for construction of hotels/beach resorts for temporary occupation of tourists/visitors subject to the conditions as stipulated in the guidelines at Annexure-II.

Annexure —II

Guidelines for Development of Beach Resorts/Hotels in the Designated areas of Designated Areas of CRZ-III for Temporary Occupation of Tourist/Visitors, within prior approval of the Ministry of Environment and Forests.

7(1) Construction of beach resorts/hotels with prior approval of MEF in the designated areas of CRZ-HI for temporary occupation of Tourists/visitors shall be subject to the following conditions:

¹(i) The project proponents shall not undertake any construction (including temporary constructions and fencing or such Other barriers) within 200 metres (in the landward wide) from the High Tide Line and within the area between the Low Tide and High Tide Line;

(i a) live fencing and barbed wire fencing With vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach;

(i b) no flattening of sand dunes shall be carried out;

(i c) no permanent structures for sports facilities' shall be permitted except construction of goal posts, net posts and lamp posts.

(i d) construction of basements may be allowed subject to the condition that no objection certificate is obtained from the State Ground Water Authority to the effect that such construction will not adversely affect free flow of ground water in that area. The State Ground Water Authority shall take into consideration the guidelines issued by then Central Government before granting such no Objection Certificate

Explanation: -

Though no construction is allowed in the no development zone for the purposes of calculation of FSII the area of entire plot including ² [that portion] which falls within the no development zone shall be taken into account.

¹ This clause was inserted by S.O595 (E), dated 18th August, 1994 with the following provisions "*Provided that Central Government may, after taking into account geographical features and overall Coastal Zone Management Plans, and for reasons to be recorded in writing, permit any construction subject to the conditions and restrictions as it may deem fit.*" But Supreme Court of India has quashed the said amendment by judgment reported in 1996 (4) JT 263.

² Supreme Court by its judgment in JT 1996(4) SC 263 modified the amendment and held that a private owner of land in NDZ shall be entitled to take into account half of such land for the purpose of permissible —FSI in respect of the construction undertaken by him outside the NDZ. (Para 33 (v)).

- (ii) The total plot size shall not be less than 0.4 hectares and the total covered area on all floors shall not exceed 33 per cent of the plot size i.e. the FSI shall, not exceed 0.33. The open area shall be suitably landscaped with appropriate vegetal cover;
- (iii) The construction shall be consistent with the surrounding landscape and local architectural style;
- (iv) The overall height of construction upto highest ridge of the roof, shall not exceed 9 metres and the construction shall not be more than 2 floors (ground floor plus one upper floor);
- (v) Ground water shall not be tapped within 200m of the HTL within the 200 metre- 500 metre zone, it can be tapped only with the concurrence of the Central/State Ground Water Board
- (vi) Extraction of sand, leveling or digging of sandy stretches except for structural foundation of building, swimming pool shall not be permitted within 500 metres of the High Tide Line-
- (vii) The quality of treated effluents, solid wastes, emissions and noise levels, etc. from the project area must conform to the standards laid down by the competent authorities including the Central/State Pollution Control Board and under the Environment (Protection) Act, 1986;
- (viii) Necessary arrangements for the treatment of the effluents and solid Wastes' must be made. It must be ensured that the untreated effluents and solid wastes are not - discharged into the water or on the beach; and no effluent/solid waste shall be discharged on the beach;
- (ix) To allow public access to the beach, at least a gap of 20 metres width shall be provided between any two hotels/beach resorts; and in no case shall gaps be less than 500 metres apart; and
- (x) If the project involves diversion of forest land for non-forest purposes, clearance as required under the Forest (Conservation) Act, 1980 shall be obtained. The requirements of other Central and State laws as applicable to the project shall be met with.
- (xi) Approval of the State/Union Territory Tourism Department shall be obtained.

7 (2) In ecologically sensitive areas (such as marine parks mangroves, coral reefs, breeding and spawning grounds of fish, wildlife habitats and such other areas as may notified by the Central/State Government/ Union territories) construction of beach resorts/hotels shall not be permitted.

The notification however did not withstand the stipulated norms for beach tourism development. The tourism industry cried foul about the conditionalities and claimed that the beach tourism in the country would be severely hampered by the regulations. An Expert Committee under the Chairmanship of Shri. BB Vohra submitted its report on 31st of December 1992, which resulted in amendments to the notification, and a further Annexure II to the original notification. Legal intervention however to this move provided some partial relief but the industry gained mostly.

SECTION 6: FUTURE DEBATES

International happenings, commitments

While discussing biodiversity and tourism, the discussion cannot avoid three major global events taking place currently. Realising the sorry state of biodiversity the world over and also the increased pressures from proponents of tourism development for nature based tourism these three global events have placed tourism as one of the major area seeking corrections and regulations. These are the Conventions of the World Commission for Sustainable Development (WCSD); the Convention on Biological Diversity (CBD) and the on going process of International Year of Ecotourism 2002 (IYE). There is also the less popular International Year of Mountains (IYM) falling in the same year as that of ecotourism.

6.1 CSD Process: The Commission on Sustainable Development

A significant institutional outcome of UNCED was the establishment of the Commission on Sustainable Development (CSD) in December 1992, to ensure effective follow-up of UNCED; and to monitor and report on implementation of the Earth Summit agreements at the local, national, regional and international levels. The CSD is a functional commission of the UN Economic and Social Council (ECOSOC), with 53 members.

The CSD consistently generates a high level of public interest. Over 50 ministers attend the CSD each year and more than one thousand non-governmental organisations (NGOs) contribute to its work. The Commission ensures the high visibility of sustainable development issues within the UN system and helps to improve the co-ordination of environment and development activities. The CSD also encourages governments and international organisations to host workshops and conferences on different environmental and cross-sectoral issues. The results of these expert-level meetings enhance the work of CSD and help the Commission to work better with national governments and various non-governmental partners in promoting sustainable development worldwide.

6.1a A brief history of CSD processes and tourism intervention

- *In 1992*, the 47th session of the UN General Assembly set out, in resolution 47/191, the terms of reference for the Commission, its composition, guidelines for the participation of NGOs, the organization of work, the CSD's relationship with other UN bodies, and the Secretariat.
- *In 1993*, the CSD held its first substantive session at UN Headquarters in New York from 14-25 June. During the course of the session, the Commission besides other matters addressed the exchange of information regarding the implementation of Agenda 21 at the national level and progress in facilitating and promoting the transfer of technology, cooperation and

capacity-building, along with how it will consider contributions from entities outside the UN system, including NGOs

- *In 1994*, the second session of the CSD met in New York from 16- 27 May. During the course of the session, the Commission discussed the following cross-sectoral chapters of Agenda 21:

2 (trade, environment and sustainable development)

4 (consumption patterns)

33 (financial resources and mechanisms)

34 (technology transfer and cooperation)

37 (capacity-building)

38 (institutions)

39 (legal instruments)

23-32 (major groups)

On the sectoral side, delegates examined the progress in implementing the following chapters of Agenda 21:

6 (health)

7 (human settlements)

18 (freshwater resources)

19 (toxic chemicals)

20 (hazardous wastes)

21 (solid wastes)

22 (radioactive wastes)

The Commission also adopted a decision on intersessional work, which called for the establishment of a new ad hoc open-ended intersessional working group to examine the sectoral issues to be addressed by the Commission at its *1995 session* (land management, agriculture, desertification, mountains, forests and biodiversity).

The CSD's **Ad Hoc Open-Ended Working Group on Sectoral Issues** met from 27 February - 3 March 1995, discussed the six sectoral issues:

- integrated management of land resources
- **forests**
- combating desertification
- **sustainable mountain development**
- **sustainable agriculture and rural development**

- **biological diversity**

The Working Group also recommended that the CSD promote:

- the exchange of views by governments on integrated land management
- the development of tools for integrated land management
- priority to technology- related issues
- **the signature, ratification and implementation of the Convention on Biological Diversity and the Convention to Combat Desertification**
- **action for the sustainable development of mountain areas**
- integration of energy-related issues into efforts for sustainable agriculture and rural development
- **future work on the protection of traditional knowledge and practices of indigenous and local communities relevant to conservation and sustainable use.**

➤ **Major Groups and Multi-Stakeholder Dialogue Segments**

One of the fundamental prerequisites for the achievement of sustainable development is broad public participation in decision-making. Furthermore, in the more specific context of environment and development, the need for new forms of participation has emerged. This includes the need of individuals, groups and organizations to participate in environmental impact assessment procedures and to know about and participate in decisions, particularly those which potentially affect the communities in which they live and work. Individuals, groups and organizations should have access to information relevant to environment and development held by national authorities, including information on products and activities that have or are likely to have a significant impact on the environment, and information on environmental protection measures.

Multi-stakeholder Dialogue Segments:

- Energy and Transport Segment CSD-9
- Agriculture Segment CSD-8
- Follow up to CSD-7: First Meeting of the Multistakeholder Working Group on Tourism

Tourism Segment at CSD-7

- Follow up to CSD-6: Review of Voluntary Initiatives and Agreements for Industry
Industry Segment at CSD-6

➤ **Multi-stakeholders dialogue segment on tourism and sustainable development at CSD7**

A major part of the discussion during the seventh session centered on thematic multi-stakeholder dialogues that focus on the impact and contribution of tourism to sustainable development. The Tourism Segment included two full days of dialogue among actors from industry, workers, communities and local authorities.

The purpose of the Segment was to generate meaningful dialogue between Governments and representations of major groups, and to identify policy directions that may reinforce the positive impacts of tourism on sustainable development objectives.

The Segment focused on the following themes:

- **Industry Initiatives for Sustainable Tourism**
- **Influencing Consumer Behaviour to Promote Sustainable Tourism**
- **Promoting Broad-based Sustainable Development through Tourism while Safeguarding the Integrity of Local Cultures and Protecting the Environment**
- **Coastal impact of Tourism**

There was a lively and focussed exchange on issues of key concern with participants seeking to identify their priorities for consideration and making a genuine effort to improve mutual understanding and cooperation. CSD-7 seeks to reflect issues on which participants showed general agreement, areas that would benefit from further dialogue and elaboration, specific initiatives announced or proposed by the participants.

For example, under **Coastal Impact of Tourism**, there are ongoing debates and discussions in the CSD Process and yet to be finalised:

Participants recognized that many sustainable development issues are focused around coastal systems, and that tourism is a crucial sector in coastal areas. The particular importance of the coastal impact of tourism on Small Island Developing States (SIDS) was noted, as was the significant challenge posed to coastal communities by climate change.

- In discussing integrated coastal zone management, participants agreed that there are real biophysical limits to capacity in any particular location as well as cultural limits that should be determined at the local level by the local community.
- The need for decisions to be made at a local level through a multi-stakeholder process with regard to national and international frameworks was endorsed.
- NGOs proposed the establishment of a multi-stakeholder group at the international level to advise on the planning and implementation of a fully integrated process of coastal tourism development and offered to launch this mechanism in collaboration with government, industry, trade unions and other major groups.

- It was proposed that new tourism developments should be required to include all relevant sustainable development considerations, including design and implementation of a comprehensive waste management programme.
- In discussing financial responsibility for infrastructure development and other costs associated with sustainable coastal tourism, participants agreed that the level of financial responsibility from industry and other stakeholders should be determined at the local level. Where local authorities decide to provide public subsidies for infrastructure development or maintenance associated with tourism activities, the nature of the decision should be explicitly understood by the community that would bear the costs and the decision should involve the local community through a transparent multi-stakeholder process.
- Participants supported the polluter pays principle. While many participants noted that subsidies can impose costs on the local community, several noted that subsidies can also be beneficial.
- It was suggested that the CSD should invite and seek funding from international agencies such as the World Bank and regional development banks for pilot projects in both North and the South aimed at illustrating best practices of integrated planning.
- In discussing indicators, participants proposed that the CSD should encourage international agencies to develop indicators to measure the environmental, social and cultural impacts of coastal tourism
- Participants agreed that the CSD should facilitate funding from international agencies such as the World Bank and from national governments for integrated environmental, social and economic research on best management practices in regard to design, development and management of tourism projects in coastal regions.
- Regarding the role of small and medium sized enterprises (SMEs), industry representatives proposed that the CSD should encourage international agencies, national governments and industry to fund and support SMEs to implement environmental improvement measures.

Union representatives expressed concern at the impact of the recent growth in tourist-related or recreational fishing on traditional and indigenous fishing rights. They also called on CSD to support the rights of workers to act as whistleblowers on unsustainable practices by industry and to promote the protection of workers who do this.

6.2 CBD Processes

Since the 1972 UN Conference on the World Environment in Stockholm, there have been attempts to come to terms with the meaning of sustainable development. Initially, it was envisioned that a single, universal concept of sustainable development might be created for application to all of the countries stood at very different points in their development process and hence had very different perspectives on what form of development was appropriate at that point in time and for their circumstances. The World Commission on Environment and Development came up with a statement on the meaning of sustainable development that captured this relativist position: sustainable development is 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs' (WCED, 1987). Each country was left to decide what its current needs might be and how to balance those with the needs of its future citizens.

The problem with this approach to development is that there are certain resources, which do not fall neatly within the boundaries of a single country. For these resources some sort of joint international strategy for their use, conservation and development must be agreed. There was a need for a meeting of the minds of the nations of the Earth, rich and poor, for the successful coordination and implementation of a global management strategy for biodiversity. The Biodiversity Convention provided the opportunity for a meeting place for all of the various groups who had been working in parallel on this set of issues.

6.2a Objectives of the Biodiversity Convention

The objectives of the Biodiversity Convention are:

- The conservation of biological diversity
- The sustainable use of its components
- The fair and equitable sharing of benefits arising out of utilisation of genetic resources

Various parts of the Convention are derived from the following movements: The ‘park and protected areas’ movement; the ‘sustainable utilisation’ movement and the ‘plant genetic resources’ movement. These distinct movements have all come together for the first time in order to generate the various terms and obligations set forth within the CBD. Within each movement there has been a growing recognition of the requirement that resource conservation must be built around the interests of the individuals, communities and governments most concerned.

The Biodiversity Convention is best understood as the confluence of these major conservation movements: a ‘snapshot’ of the state of these negotiations at the time of the Rio conference. The implementation of the Biodiversity Convention constitutes as opportunity to integrate these concerns and to meet the problems that have arisen in the pursuit of their objectives.

6.2b CBD and Tourism

During the past years, tourism had started to become an issue in the Rio follow-up process. After three Conferences of Parties (COP) and three meetings of the SBSTTA (Subsidiary Body on Scientific, Technical & Technological Advice) the tourism topic was discussed at the Ministerial roundtable at the COP-4 in Bratislava for the first time.

Following the Fourth Conference of the Parties (COP-4) to the *Convention on Biological Diversity* (CBD) in May 1998, considerable debate existed on how seriously tourism would feature in future negotiations on biodiversity. However, uptake on tourism issues by the UN Commission on Sustainable Development in 1999 injected new clarity to the process of strengthening international standards for the tourism industry.

The first substantive discussion on tourism and biodiversity occurred during the Fourth meeting of the CBD's Subsidiary Body on Scientific, Technical & Technological Advice (SBSTTA-4) in Montreal in June 1999. Here, Parties to the CBD began to exchange views on how to integrate biodiversity into national policies, programmes and activities for the tourism sector.

A major event concerning tourism in the interval between COP-4 and SBSTTA4 is the declaration by United Nations of 2002 as the 'International Year of Ecotourism.' While this announcement promises to focus more attention on tourism, it should be assumed to promote biodiversity conservation. Organisations working on the ground i.e. at the ecosystem level, continue to document the devastating social, cultural, and ecological losses linked to most types of ecotourism, without any real opportunity or authority to convey this information to the government decision makers.

6.2c Action Required for Sustainable Tourism as suggested by the ongoing process on CBD

Basic inventory questions that need to be asked by Parties to the CBD, include;

- *Degree of Transparency:* whether Indigenous peoples and other local communities are being pushed into a reactive or defensive position vis-à-vis the tourism industry?
- *Effectiveness of Dialogue:* whether the dialogue process itself infringes on the traditional resource rights of IPs and local communities?
- *Level of due diligence:* does the existing dialogue framework promote outcome that are consistent with the CBD, i.e. a precautionary approach?
- *Quality of Interim Measures:* is industry self-regulation impacts on cultural and biological diversity that are common to consumer-driven tourism? (Johnston, 2000)

Against this background, at the International Conference of Environment Ministers on Biodiversity and Tourism, 6th - 8th March 1997, Berlin, Germany, the participants met to share experiences and to work together on the subject of Tourism and Biodiversity, the result of which was the Berlin Declaration.

Followed by this, were the formulation of recommendations and objectives for the CBD COP-5. In paragraph 2 of its decision V/25, adopted at its fifth meeting, in May 2000, the Conference of the Parties to the Convention on Biological Diversity accepted "the invitation to participate in the international work programme on sustainable tourism development under the Commission on Sustainable Development process with regard to biological diversity, in particular, with a view to contributing to international guidelines for activities related to sustainable tourism development in vulnerable terrestrial, marine and coastal ecosystems and habitats of major importance for biological diversity and protected areas, including fragile riparian and mountain ecosystems, bearing in mind the

need for such guidelines to apply to activities both within and outside protected areas, and taking into account existing guidelines”.

The Conference of the Parties further convened the *Workshop on Biological Diversity and Tourism in Santo Domingo from 4 to 7 June 2001* at the kind invitation of the Government of the Dominican Republic and with financial support provided by the Governments of Germany and Belgium. The purpose of the Workshop was to develop the draft international guidelines contemplated in decision V/25, paragraph 2.

The key conclusions from the analysis of the CBD Guidelines on Biodiversity and Tourism undertaken in this paper are:

- Principles and guidelines on sustainable tourism acknowledge the importance of biodiversity, but guidance so far available is very general and detailed technical guidance is needed on how to implement and manage tourism in relation to biodiversity;
- Guidelines that are formulated specifically on tourism and biodiversity focus mainly on protected areas and the requirements of protected area managers;
- All the principles and guidelines analysed contain extensive common and complementary elements - no cases were found where one principle or guideline was in conflict with another;
- There are no internationally-accepted guidelines currently available that provide a fully integrated approach to the general management of sustainable tourism and biodiversity, and which address the technical issues of implementation of internationally-agreed principles in these areas.

Participants in the Workshop were selected among government-nominated experts from each geographic region with a view to achieving a balanced regional distribution. In addition, representatives of competent intergovernmental and non-governmental organizations, as well as stakeholders were invited to participate as observers.

It would be interesting to list the management process steps for the management of sustainable tourism and biodiversity in the workshop:

- Institutions
- Baseline information and review
- Vision and goals
- Objectives
- Review of legislation and control measures
- Impact assessment
- Impact management

- Decision making
- Implementation
- Monitoring
- Adaptive management
- Notification process and information requirements for notification
- Public education and awareness raising
- Capacity building

The guidelines aim cover all forms and activities of tourism, which should all come under the framework of sustainable development, in all geographic regions. These include, but are limited to conventional mass tourism, ecotourism, nature and culture-based tourism, cruise tourism, leisure and sports tourism.

6.3 IYE Process

Ecotourism activities have been expanding rapidly worldwide over the past two decades and further growth is expected in the future. There are increasing efforts to use ecotourism potential to support nature conservation and benefit local people, especially in developing countries. This rapid growth, however, has also given rise to concerns about negative (environmental, socio-cultural) impacts.

Recognising its growing global importance, the United Nations designated the year 2002 as the International Year of Ecotourism (IYE), and its Commission on Sustainable Development requested international agencies, governments and the private sector to undertake supportive activities. Along with the United Nations Environment Programme (UNEP) and the World Tourism Organization (WTO), who have been officially designated as the coordinating organizations for IYE, The International Ecotourism Society (TIES) will undertake a series of activities throughout IYE.

The focal event of IYE will be World Ecotourism Summit (WES) to be held in Quebec, Canada, from 19 to 22 May 2002. It will be co hosted by WTO, the Canadian Tourism Commission and Quebec Tourism.

The designation of the year 2002 as the IYE is an encouragement for intensified cooperative efforts by Governments and international and regional organizations, as well as non-governmental organizations, to achieve the aims of Agenda 21 in promoting development and the protection of the environment. The UN Declaration is a testimony of the growing importance of ecotourism, not only as a sector with a great potential for economic development especially in remote areas where few other possibilities exist- but also as a powerful tool for conservation of the natural environment if it is properly planned, developed and managed.

The Commission on Sustainable Development (CSD) and other venues were advised to implement the Year. Within the UN system the CSD's Inter-agency Committee on Sustainable Development (IACSD) mandated the World Tourism Organisation (WTO/OMT) and the United Nations Environment Programme to prepare and co-ordinate supportive activities for and during the year.

➤ Objectives of IYE

UNEP and WTO aim at involving all the actors in the field of ecotourism during the International Year, with the following objectives in mind:

1. To open a wide review on the potential contribution of ecotourism to sustainable development and to conservation of biodiversity;
2. To exchange information on good practice and lessons learned in the sustainable planning, development, management and marketing of ecotourism;
3. To advance in the knowledge of the social, economic and environmental impacts of ecotourism;
4. To assess the effectiveness of regulatory mechanisms and voluntary schemes for monitoring and controlling the impacts of ecotourism;
5. To review experiences and lessons learned on the participation of local communities and Indigenous People in ecotourism projects and businesses;

➤ Key Themes

At the UNEP/WTO meeting in February the following four themes were adopted for the Quebec Summit as well as for the WTO preparatory conferences:

Theme A: Ecotourism planning and product development: the sustainability challenge

Theme B: Monitoring and regulation of ecotourism: evaluating progress towards sustainability

Theme C: Marketing and promotion of ecotourism: reaching sustainable consumers

Theme D: Costs and benefits of ecotourism: a sustainable distribution among all stakeholders.

In addition, two cross-cut themes were agreed upon (to be kept in mind when dealing with the four themes):

- Socio-cultural, environmental and economic dimensions of ecotourism
- Informed participation of local communities.

These four main and two cross-cutting themes have not been thoroughly reviewed. Although they are comprehensive when combined, each theme does not specifically address certain stakeholders or

policy-makers or specific planning/policy levels. However, since it is no longer possible (or would require a lengthy consultation process in a limited period of time) to change this structure, the four themes should be accepted in general. Only a minor modification is suggested here: Theme C should also include consumer education (as an additional sub-theme not yet covered) and sustainable product development (to be shifted from Theme A). This way Theme C would be more comprehensive and better cover the business aspect (supply – demand) of ecotourism.

For the regional conferences a more stakeholder- and implementation-oriented structure of themes is suggested, both for the plenary sessions and the work groups to be formed. The following five themes relate to real planning, management or policy situations on the local, national or international level addressing one group of stakeholders or a forum of stakeholders (e.g. protected area councils, national ecotourism committees). Important sub-themes may be given special attention, e.g. by forming special work groups dealing with them. Also, the regional conferences may take into account the results/recommendations of the NGO conference planned by UNEP and OETE in September 2002.

The themes that have been identified by UNEP in their Declaration on the International Year of Ecotourism are:

I. Ecotourism management in protected/sensitive natural areas incl. buffer zones

(local/regional level): land use planning/zoning, regulations, participatory planning, visitor management, monitoring, visitor services and facilities, product development, marketing & financial issues (fees etc), concessions, public-private partnerships.

major target groups: Protected Area (PA) agencies, conservation NGO's.

Results of this theme could feed into the IUCN 2003 "World Parks" conference.

Possible sub-themes: marine/coastal areas, mountain tourism (with links to IYM).

II. Community involvement and community-based ecotourism (local/regional level): socio-cultural aspects, land tenure & political power issues, participatory planning, community-based ecotourism, cultural product development, revenue sharing schemes, joint ventures, regional networking, education & training.

Major target groups: local governments, community groups, PA agencies, conservation & development NGOs, private sector.

Possible sub-themes: socio-economic impacts of ecotourism, mechanisms for community involvement.

III. Ecotourism as a business activity (all levels): sustainable product development, interpretive travel programs, design of ecolodges, itinerary development, guidelines & certification schemes, best practice awards, market trends, segment-specific marketing, customer information, business management, cooperation with local people and conservation agencies, adapted financing mechanisms (SME).

Major target groups: private sector, tourist boards.

Possible sub-themes: tour operating, hotel/ecolodge management.

IV. Ecotourism planning and policies at the national level: national ecotourism strategy/plans/programs, legislation, norms & regulation, monitoring mechanisms (e.g. quality control, environmental performance), institutional restructuring/ strengthening, interministerial working group, national/regional certification and accreditation schemes, fee systems & distribution schemes, political framework for local empowerment, basic infrastructure, educational/ vocational

programs, foreign marketing.

Major target groups: national governments (conservation, environment, tourism, rural development agencies), national NGO's

- V. Ecotourism policies at the international level**²²: international guidelines/ norms/conventions, monitoring mechanisms (e.g. cultural impacts, biopiracy), consumer information/education, international certification and accreditation schemes, research & monitoring, development cooperation programs (financial, technical), tourism-related transportation (esp. by air), trade agreements relating to tourism.

major target groups: inter-/supra-governmental organizations, international NGO's, donors.

Possible sub-themes: consumer education, development cooperation.

It is recommended to form working groups based on these themes throughout the IYE process, including the Australia conference. However, since the WES will be structured according to other criteria, this could potentially create a problem for the preparatory conferences when preparing presentations at Quebec. It is therefore recommended to integrate the WTO themes as topics under the themes suggested for the regional conferences (see Chart 1).

Chart 1: Connecting WTO and TIES themes for IYE conferences

	Theme I Protected/ natural areas	Theme II Local communities	Theme III Businesses	Theme IV National level	Theme V International level
Theme A Ecotourism planning	Ecotourism planning in protected areas	Ecotourism planning for local communities	Private sector involvement in planning	Ecotourism planning at the national level	Ecotourism-related policies & programmes
Theme B Monitoring & regulation	Monitoring/ regulation of ecotourism impacts in protected areas	Monitoring/ regulation of ecotourism impacts in local comm.	Self-regulation, certification/ accreditation/ labelling	Monitoring/ regulation at the national level	International ecotourism norms, regulation & guidelines
Theme C Product development & marketing	Product development & marketing of protected areas	Product development & marketing of comm.-based ecotourism	Sustainable product development & segment-specific marketing	Destination development & marketing at the national level	International consumer education
Theme D Costs & benefits	Costs & benefits of ecotourism for conservation	Costs & benefits of ecotourism for local comm.	Business plans, return on investment	Costs & benefits of ecotourism at national level	Costs & benefits of ecotourism for international conservation & development programmes

It is important to note that above discussions at the level of drafts. Several comments and inputs have already been provided to these processes. The SBSITTA in November 2001, Prep COM in January 2002, COP 6 in April 2002, World Ecotourism summit in May 2002 and the World Summit in

²² This theme will mainly cover the roles, policies and programmes of development cooperation organizations in the respective regions.

September 2002 and importance of these various platforms that is open for highlighting sustainable tourism and bringing together groups was reaffirmed and also the timings of all these happenings in the wake of drastic changes happening in the economy that would impact on large systems and people.

6.4. Tourism in the GATS

While discussions on sustainable tourism development is taking place at one level there are widespread apprehensions on the happenings in conjunction with the global trade regimes. The General Agreements on Trade and Services (GATS) challenges the conservation and regulatory mechanisms envisaged for sustainable tourism development.

Under the GATS classification of 11 service sectors, Tourism comes under the 9th category of “Tourism and travel related services”. This is further divided into

- Hotels and restaurants (including catering)
- Travel agencies and tour operators’ services;
- Tourist guide services; and,
- Other [unspecified]

Environment in the GATS

The environment is one of the basic resources of the tourism industry, as most forms of tourism are largely based on natural assets, such as beaches, the sea, mountains, forests, rivers or wildlife. Thus, environmental degradation can threaten the viability of the industry. Domestic governments under increasing pressure from critical groups may introduce protective measures in ecologically fragile areas. Pressures could be from Multinational Environmental Agreements²³ and critical groupings within the country. Such measures could include limitations on the extent of Tourism activities in the area like a limit on the number of tourist excursions, limitations on the number of resorts, or even certain concessions given to particular firms if they commit to employing local people and contribute to conservation activities in the area. These kinds of limitations, even if they are applied so as not to discriminate between local and foreign firms could be ruled as violating market access commitments [Article XVI] of the particular countries under the GATS unless they are explicitly factored in as limitations. The market access commitments clearly state that if you have made unlimited commitments you cannot limit the number of service providers. The only option is to hope that the MNC’s have the good sense to realise that this will be inimical to conservation requirements and back off unilaterally. Laws can’t throw them out. Conservation also implies that local people participate, but

²³ There are several areas where potential conflicts do exist between MEA’s and the provisions of the GATS.

imposing requirements on foreign firms to train and hire local people could fall foul of the national treatment rules [Article XVII] of the GATS.

Article 1[3] of the legal text of the GATS which talks of the scope of the GATS agreement mentions that in “ fulfilling its obligation and commitments, each member **shall take such reasonable measures** as maybe available to it to ensure their observance by regional and local governments and authorities and non governmental bodies within its territory”. This clearly implies that the GATS agreement has precedence if it comes into conflict with national, regional and local priorities. It clearly applies to all levels of government, central, regional or local governments and authorities. This also makes it clear that the government would be compelled to change the national laws in accordance to the commitments made.

Potential conflicts:

- No restrictions on tourism development through national environmental laws
- Free trade principles: conflicts with CBD principles –sustainability, local involvement, benefit sharing etc

SECTION 7: CHALLENGES AHEAD

Biodiversity and current practices of tourism do not go hand in hand. It is too taxing for the biodiversity on which tourism banks in our country. Tourism had grown and continues to grow without taking heed of the warnings from all quarters that are anxious about the depleting biodiversity.

Authorities and planners who see the economic potential of tourism tragically had failed to bring in necessary mechanisms to arrest the detrimental factors through policy and guidelines. The tendency is to succumb to the pressures, tourism earnings overtaking conservation and precautionary measures.

PAs in the country being centres of preserved flora and fauna are targeted for wilderness tourism, which is now dubbed as ecotourism. Among PAs, tourism is permissible, along with study and research, in both wildlife sanctuaries and National parks, as per the Wild Life (Protection) Act 1972. The Chief Wildlife Warden is the authority under whose permission tourism could be allowed. Apart from this mention of the word 'tourism' this does not specify or elaborate anything further. This does not specify what kind of tourism and what related activities could follow and could be allowed.

The CRZ had proven to be an extremely weak and vulnerable conservation measure in the coastal region while tourism is debated. The ability to arm twist the law in its favour as happened once cannot be ruled out in future especially when added prominence is given to beach and marine tourism. This is evident as in the case of Sindhudurg in Maharashtra where 60 Km of the coastline is identified as Special Tourism Area.

The greatest challenge in biodiversity conservation and tourism development would be to ecologically sensitive regions that does not have any special protective mechanisms or measures. Like in the case of backwaters, marshy and wetland areas, extensive mangrove forest regions etc.

From the side of the tourism industry it is objectionable that it does not consider the critique to unsustainable tourism development. Instead of adhering to the laws of the country the tendency is to bypass and circumvent. It is yet to be witnessed when the industry would act as a contributor to the conservation of natural resources and take people into its fold for correct tourism practices.

Whale shark watching proposal²⁴

Since the ban on whale shark hunting has deprived some fishermen along the coast of Saurashtra of a portion of their yearly income, it is advisable to mitigate their loss with revenue earned through whale shark watching tourism, a practice being followed in many countries. Tourism revenues, if equitably distributed, will help to garner the support of the fishermen for the protection of this enigmatic creature. However, in order to ensure that one threat to the whale shark is not replaced by another (excessive, unregulated tourism), a set of guidelines need to be formulated.

There will need to be an upper limit on number of boats to be sent to watch the sharks at one time. This limit should be decided by the MoEF in consultation with whale shark researchers and marine conservation NGOs like Reefwatch Marine Conservation. The most practical option would be to fix a limit on the total number of tourist boats engaged in this business along the entire Saurashtra coastline, as any other type of restriction (no. of boats at sea at one time/no. of boats within a certain radius of each other etc) will prove difficult to enforce. Perhaps no more than 40 boats in total should be engaged in this venture.

Since a limited number of boats will be involved, some sort of cooperative system which shares revenues with all existing whale shark villages should be drawn up to avoid concentrating tourism revenues in the hands of a few operators. Any concentration of revenues will lead to unrest and opposition to the creature's protection, which might spark a return to clandestine hunting.

Boats must observe a 250 metre radius 'contact zone' around whale sharks. Only one vessel at a time may operate in a contact zone, for a period not exceeding 90 minutes, and during that time must stay at least 30 metres from the shark. If a second vessel arrives at a contact zone, it must stand off at least 250m. Any further vessels must stay at least 400m away from the fish.

If swimming with the sharks is to be permitted, then the swimmers must not touch or ride on the animal. Swimmers must stay a minimum of one metre clear of the fish's head or body, and four metres away from its tail flukes.

Each boat should carry no more than 12 persons and should not be larger than a certain size, say 15 m.

The only infrastructure that might be required would be the construction of simple structures to house tourists, which should be owned by members of the fishing community and rented out. Elaborate five-star structures must not be permitted, as this will draw resources such as power and water away from the local community, creating social tensions.

No additional jetties should be constructed.

An environmentally-sound waste management and segregation system will need to be in place to ensure that accumulating garbage does not discourage tourists.

The local MoEF office will need ensure that the guidelines are enforced. It will also need to be equipped with at least two speedy boats during the tourist season.

After following such guidelines for the first three seasons, they can be reviewed if necessary.

²⁴ A proposal from Ashish Fernandes, Sanctuary Asia:

With the MoEF recently banning the killing of the rare whale shark, a proposal for establishing whale shark watching tours for tourists, revenue from which will be given to local fishermen, is being made in order to compensate fishermen who earned a part of their income from selling whale shark meat in Far Eastern markets (through middlemen of course).

1. The need for Reorientation in management for biodiversity conservation and sustainable tourism

In the light of growth in tourism development, lack of adequate legal mechanisms and global pressures there is a need to seek measures, which would balance tourism development and biodiversity conservation. There is a need to bring in larger civil society participation and local governance systems in tourism development. The need for participation of local communities and people in biodiversity conservation today is accepted universally. In the Indian context there are democratic systems that could be employed for this. Refer SGMS: A possible functional framework for participatory tourism management in the following sections

2. Need for amendments to the National Tourism Policy

It is often stated by Governments and Industry that Tourism is one of the largest industries in the world, accounting for almost 12 percent of the world's GDP, which is more than US\$3.5 trillion. And that the industry creates substantial economic benefits that greatly contribute to national and local development, particularly in many developing countries where tourism is a significant source of foreign exchange and often the only economic alternative to other forms of conventional development. This fact has been very well recognised in India and conveyed through its importance in The Preamble of the Draft National Tourism Policy.

Yet, tourism currently has a number of negative impacts on the environment. These include, for example, depletion of natural resources, pollution from solid and liquid wastes, pollution from atmospheric emissions, and land degradation. The tourism industry is also heavily affected by other pressing environmental concerns, such as global climate change, the loss of biodiversity, and the scarcity of freshwater. Often these costs are not taken into considerations while the profitability or tourism's contribution to national economies are calculated.

As these impacts affect both the growth and profitability of the tourism industry, it makes good business sense to operate in an environmentally responsible manner, and to encourage other industries to do the same. In this effort, there is a need to emphasise more on the conservation and sustainable use of resources for tourism while creating conditions for more Foreign Direct Investment.

In its Objective, the Policy document stresses on bringing about socio-economic benefits to the community, particularly in the interior and remote areas. It must be kept in mind that these areas in India are usually located in ecologically significant regions, even though they may not have a protected area status. Opening up of these areas for tourism would only mean endangering our ecosystems, especially the 5% land under protected areas and the meagre 12% forest cover.

Tourism in wildlife sanctuaries and national parks is permitted solely at the discretion of the Chief Wildlife Warden of the state, as per section 28 of the Wild Life (Protection) Act, 1972. The infrastructure that is provided to the visitors as a consequence of the permit to tourism is in direct contradiction, and in violation, of section 2 of the Forest (Conservation) Act, 1980. In areas where the infrastructure does not have legal grounds to operate in the protected areas, it invariably tends to accumulate in the periphery of the protected areas. The drain that these infrastructures have on the resources of the region is the same, with only a shift in the locations. These also compete with the local and/or indigenous communities for the resources. The local and/or indigenous communities have been living in these areas for long time and are dependent on the ecosystems for their day-to-day needs, without causing severe impacts as in the case of other forms of infrastructure. They have thus evolved a distinct culture of their own. However, due to such infrastructure developments, the blame of adverse impacts is conveniently shifted on the lifestyles of the local and/or indigenous communities. What is desirable is control of visitation and tourism related infrastructure in existing tourism regions, which are also ecologically sensitive.

The policy document does not elaborate on the sustainable development and there by sustainable tourism development, which is being currently debated the world over. Participation in all significant areas like, tourism planning, development and monitoring which include benefit sharing of local communities and judical resource utilization are important factors that present tourism development cannot ignore. The policy document needs to give preference and emphasis these aspects.

The policy does not recognise the constituents like, women, indigenous and fishing communities. The significance of extending specific role to women is in the context that present tourism development had inflicted negative impact and image of women. This needs to be recognised in the policy and areas need to be pointed out where women can have a lead role in tourism development.

The current emphasis of ecotourism and other nature-based tourism directly points out the affect on the tribal and other indigenous communities since these areas are their living and livelihood regions. Special recognition of their rights as well as guidelines for their involvement needs mention in the Policy.

Coastal regions are another thrust area for beach tourism in the country. The current practices had brought up many violations by the industry, leading to the deterioration of the coastal region as well as impacting negatively the community. These need to have a special mention in the policy in way of; a) tourism industry's' recognition and adherence the coastal regulation Zone laws, and b) ensure participation of the coastal community in beach tourism.

3. The role of Panchayati Raj Institutions

The constitutional validity to institutionalise grassroots democracy by the 73rd and 74th amendment (and further extensions to indigenous peoples lives through Panchayat Extension to Scheduled Areas Act, 1996) gave birth to the Panchayati Raj Institutions in the country. The power and the mandate it carries along with the presence of entire population of a village in deciding its development, its ability to provide fora for social audit, demand information as well as transparency in governance and public accountability is unique. Inherent legislative power to pass resolutions through powers vested with them is immense. There are 29 subjects listed in the 11th schedule, which the PRIs have the right to use judiciously.

While seeking means to sustainable tourism development through conservation of biodiversity it could be observed that majority of tourism requirements rely on the 29 subjects vested with the PRIs. The Panchayats are empowered to safeguard and preserve the traditions, customs and cultural identity of the people, community resources and settling local disputes through customary methods. The Gram Sabha under the extended act is to approve plans, programmes and projects meant for social and economic development of the Village Panchayat prior to its implementation by Panchayats at the village level.

Chart 2: Panchayat Rights and tourism's requirements

The following listing is taken from the 29 subjects provided to the PRIs as per 11th Schedule. We have identified subjects which are directly related to tourism (Column 1). The remaining columns represent our understanding of the tourism industry in relation to the rights of PRIs.

Column 1 Rights and powers of the Panchayats	Column 2 Requirements of the Tourism Industry	Column 3 Obligations of the Tourism Industry²⁵	Column 4 Remarks
Land improvement, implementation of land reforms.	Land for various purposes	Not to disrupt the natural land use patterns and practices	For acquisition of any land within the territorial area of a Panchayat, requires permission of the Panchayat
Regulation of land use and construction of buildings.	Land for construction of hotels, lodges, resorts, swimming pool, golf course etc.	Adhere to the town and country planning Acts, CRZ. In harmony with the natural surroundings	Requires permission of the Panchayat.

²⁵ The obligations are legal and moral depending on the subject. The Panchayat must insist on the tourism industry to oblige.

Acquiring land for development projects and rehabilitation and resettlement of persons affected as a result of any projects undertaken in Scheduled areas has to be done in consultation with either Gram Sabha or the Panchayat at the appropriate level. (Thus the tribal people do not have to wait for the concerned authorities to act in the vital matter of land exploitation).	In case of any displacement by land acquisition	Should not displace tribal communities. Ideally the industry should integrate the community and not alienate them	Requires permission of the Panchayats.
Water supply for domestic, industrial and commercial purposes.	Water for various purposes	Rational use of water. This means the water consumption by the tourism industry should be based on availability / not impinge on the local community's requirements	Requires permit of the Panchayats.
Roads, culverts, bridges, ferries, waterways and other means of communication.	Infrastructure like access roads for facilitating conveyance	Should not obstruct public access and access to common property resources Construction not lead to destruction of habitat/loss of biodiversity	Requires permit of the Panchayats.
Planning for Social and economic development.	“ <i>Swagat, Suvida, Soochana</i> and <i>Suraksha</i> ” are expected from the host community	Ecotourism obliges tourism providers to integrate the community from the initial stages of planning to implementation and profit sharing. Obliged to contribute to the overall development of the region, generate employment for the local people	Requires the participation of the Panchayats.
Minor forests produce (community resources)	Local natural produces [NTFP] are an attraction to tourists e.g., honey, wild spices like pepper, flowers etc. tourists see these as local attractions and purchase as mementos	Should not exploit scarce forest produces for commercial purposes	Requires permission of the Panchayats.

Rural electrification, including distribution of electricity.	Electricity in the Hotels	Wasteful consumption should be curtailed. If the area has a short supply the hotel industry should find its own eco friendly sources for generation	Permit of the Panchayat is required for electrification.
Solid waste management	The tourism industry expects the Panchayats to provide facilities	Should not be party to pollute the surroundings. Contribute in creating waste management systems and provide the Panchayat with monetary support in maintaining it.	The right to reject a license if the Tourism industry refuses to cooperate should be drawn from the Panchayats duty and right to provide for Health and sanitation
Cultural Activities	Local traditions are an important selling aspect for the industry	The industry should restrain from commodifying cultural and religious traditions of people	Require the permission of the Panchayat to participate without interfering into the rights of local people e.g., village festivals, folk arts etc.
Urban forestry, protection of the environment and promotion of ecological aspects.	Consumption of natural resources.	The industry should contribute towards sustainable development and rational use of resources. A portion of the industry's profit to be contributed towards conservation in the region	Permit of the Panchayat is needed as resources belongs to them and they have acquired natural right over it as a result of staying there for years.
Welfare of the weaker section and in particular Schedule Caste and Schedule Tribes.	Centre and state tourism policies view tourism to contribute in development of weaker sections	Tourism should be for the upliftment of the weaker sections By involving the participation of local communities in planning, regulating, monitoring and implementing processes; rational use of resources; sharing of profits and through non-detrimental practices (Refer SGMS)	The Panchayat expects tourism industry to contribute to its welfare schemes

Women and child development.	Centre and state tourism policies to view tourism to contribute in development of weaker sections	Should not be a catalyst to the exploitation of women and children especially in commercial sexual exploitation ²⁶	Have the right to question if the industry is indulging in exploitation. Have the right to initiate criminal procedures if found catering to exploitation, including child labour
Maintenance of community assets.	Roads, streetlights and roadside trees and parks.	Should not privatise community assets	Have the right to question if the industry exploits
Market and fairs.	Local public market - Sunday markets and weekly markets and local fares of handicraft, jewellery, shells and pearls etc. are tourist attractions	Encourage local trade, avoid middlemen and practice fair trade	Panchayat expects tourism industry to contribute in maintaining and sustaining these activities

Source: EQUATIONS 2001. "Role of Panchayats and Tourism". EQUATIONS, Bangalore.

4. Bring in systems for conservation and tourism development

It has proven that no single agency could effectively enforce all aspects of development. This is applicable to tourism development also. The primary agency to democratise and convert tourism planning and implementation is the central and state tourism ministry and departments. The Department of Tourism needs to recognise right of the Panchayats and the need to consult them in tourism development. The primary task involved in making this a reality is through recognition for consultation with the PRIs. This could be done through the tourism policy documents. The policy document should recognise actionable strategies to involve local bodies/PRIs in the tourism development process. It should recognise:

- the inherent potential and role of Panchayats in planning, regulating, implementing and monitoring of local tourism development projects, Benefit sharing; also seek its participation in terms of issuing and non-issuing licences to tourism projects
- involve PRIs in monitoring tourism sub-sectors and ensure the enforcement of code of ethics
- include PRIs in Tourism Development Authority to be constituted from time to time for regulating tourism development and any other authority to be constituted for any other purposes notified in any policy or law
- allocate 40 per cent of funds stipulated for implementation of any projects from plan funds
- enable PRIs by conducting interactive programmes to transfer skills, knowledge and attitudes to involve in social/environmental audit of tourism projects

²⁶ Prostitution and, recently, commercial sexual exploitation of children has been reported from full blown tourism destinations. This is due to the socio-economic situations, marginalisation of communities in tourism

- ensure the right to access to common property resources of local community through local bodies, and
- empower PRIs to impose punitive measures on exploitation of resources by tourism industry

Our experience had shown that continuous pressure on state level would yield results in this area. The Draft Tourism Vision 2025 of Department of Tourism, Kerala is a landmark move in this direction. The Vision Document chalks out the Objectives, Vision, Strategies and Action Plan, the Action Plan includes short term, midterm and long term action points for the development of tourism in Kerala State. The document in its draft form was released during mid 2001 and a finalisation workshop was held during Dec 2001. The Vision Document emphasises on three forms of tourism: Backwater, Ayurveda and Ecotourism. Currently this is only in the realm of policies and vision documents, the practicality and implementation is yet to happen by working together with PRIs at local level. Proper guidelines based on this need to be worked out and EQUATIONS is working on it. The vision states:

No.13. “To involve PRIs and the NGOs in the development of tourism infrastructure and tourism awareness. Any scheme/project in the field of tourism can only become successful if it is implemented through local participation. The strong Panchayathi Raj Institutions and NGOs in the state can contribute greatly in building up tourism infrastructure and necessary basic amenities. Creation of awareness on the benefits of tourism in terms of economic, physical and social development can successfully be done through the PRIs and NGOs. (page 7 Draft Tourism Vision 2025 of Department of Tourism, Kerala)

SELF GOVERNING MANAGEMENT SYSTEMS (SGMS)²⁷

A possible functional framework for participatory tourism management

On the ground level these need to be visualised on different levels. Systems need to be created to translate the role of Panchayats along with other departments such as tourism, forest when it is in PAs, forest regions and coastal zone management authorities in the case of coastal regions. In the current context the aspirations and needs of private tourism service providers also need to be taken in to account. An

locations and also the leisure and recreation motivations of tourism.

²⁷ This model is being evolved by EQUATIONS after its 17 years of intervention in the tourism debate

effective tourism development could be experimented through the creation of systems, which would ensure creation of a space by which;

- all above stakeholders share the concerns of conservation
- transparent information sharing on the aspirations of tourism service providers, and
- scrutinising the aspirations of all stakeholders in the interest of conservation.
- Ecofriendly, biodiversity friendly tourism practices are encouraged and implemented.

To make this a reality there is a need for creation of structures, which would ensure participation, functional transparency, check and balances in action, monitoring and evaluation, benefit sharing and overall development.

This structure should ensure establishment of tourism carrying capacity, preservation and conservation of the region's biodiversity and conflict resolution mechanisms.

A Three-tier functional system, which would include different sets of stakeholders with different roles and responsibilities, is envisioned for implementation of sustainable tourism development. They are;

The Implementing Group: The local Panchayat where the tourism project is planned and representatives of departments (tourism/forest or any others under whose jurisdiction tourism development is envisaged and if they are present in such areas), would constitute this group. In the case of PAs and if there is indigenous community presence the community leadership would also be a member in this group. This group would implement projects on recommendations of the Scrutinising group. this group is considered to be the primary stakeholder in tourism development.

The Recommendatory Group: would comprise of secondary stakeholders; various other departments and other local administrative bodies who have an interest and development plans in the area, private tourism facility providers, conservation groups, people's groups and media. This group would recommend their respective developmental needs, tourism development project plans as well as conservation needs of the area.

The Scrutinising Group: would comprise of neutral individuals, consisting of a number of specialised experts in conservation, planning and socio-economic matters. This group would scrutinise the recommendations of the secondary stakeholders and also the merits in the implementation. This group is intended to play a balancing role between the aspirations of diverse groups of stakeholders keeping the goals of conservation as the benchmark.

For PAs: the PA Management to bring out a GO from the state government to institutionalise this model, and

For non-PAs: the Panchayat to pass resolutions for the same

Site specific requirements to be identified in the Management Plan that is based on the structure of the SGMS.

5. Need for reconsidering tourism in PAs as stipulated by the Wild Life (Protection) Act 1972

The word tourism occurs just once in the Wild Life (Protection) Act 1972 in Section 28 and the permission to tourist entry rests totally with the Chief Wildlife Warden of the State. Tourism has come a long way since the time these laws were framed. The present forms of tourism practices are clearly detrimental to the well being of biodiversity in the PAs, as compared to what was practiced in the 70s. Therefore, there is an urgent need to make amendments in the clause or at least bring out elaborate set of guidelines that define tourism and the way it should behave in and around PAs.

- Separate tourism from research, scientific study, and wildlife photography.
- The Chief Wildlife Warden alone should not have the final say in permitting tourism, but the decision should be brought into the participatory management system (SGMS) with PRIs / Indigenous Peoples organisations.
- Annual number of tourists to be regulated.
- Seasonal / daily closure of PAs for tourism activities to be mandatory.
- No commercial establishments to be allowed inside (hotels, curio-shops, shacks, etc.)
- No private tourist vehicles to be allowed inside.

Visitation statistics of all PAs in India need to be compiled, documented, consolidated and stored in appropriate retrieval forms, including digital forms, for easy access, at a single nodal agency like Wildlife Institute of India.

6. Need for site-specific tourism guidelines

The state governments should bring out guidelines for tourism that are site-specific. This is because the form and quantum of tourism that occurs in different regions is distinct and needs to be addressed on the basis of these distinctions. Especially tourism in PAs, which requires identification of the ecosystems where it is occurring, the specific conservational needs of the ecosystems, the indigenous and local communities involved the PAs and their specific needs, and finally the kind of development that is happening or being proposed to happen in and around the PAs.

7. Tourism in the Coasts

The CRZ Notification for regulating activities on the coasts have generally been violated and not maintained according to the spirit of the notification. The national and state level management authorities have failed to recognise the impacts of tourism on coastal ecology and the community. There is an urgent need to identify areas where tourism may be permitted on a sustainable basis, without it spreading to other coastal areas. Tourism should also check itself from infringing on the ecology and the lives of indigenous communities like the fishing community.

8. Tourism and GATS

The commitment on the GATS challenges the concept of sustainable development and more importantly the ability of framing tourism policies that reflect local specificities. The present method of the Commerce ministry deciding Indian commitments in the GATS without active consultations with the MoEF needs to change if other commitments in fora like the CBD have to be honoured.

Conclusion

Tourism banks on 'common resources' and therefore it is imperative that benefits of tourism are also for common good. Many of the models that recommend promoting individual aspirations would only promote competition for individual profiteering. Unfortunately, we do not have resource abundance for such competition. Moreover, such competition would only help in creating division and disparity in the society. Collective development would ensure equitable sharing of benefits for common good including the biodiversity.

The situation would continue unless indigenous peoples and local communities agree to initiating tourism in their lands, and have a direct participation in the planning, implementation, regulation and monitoring of tourism activities that affect them. Most importantly, unless benefit-sharing mechanisms are put in place, tourism can never rebound to their interest. Or else indigenous peoples and local communities will continue to be mere cogs in the wheel of this billion-dollar industry.

Indigenous peoples and local communities are paying a high price for tourism. To start with, governments, especially of the developing and underdeveloped countries, and multinational corporations have disregarded the interests of indigenous peoples and local communities in their desire to cash in on the billion-dollar profits from this industry. They were earlier left untouched by traditional tourism activities but are now being targeted for tourism ventures.

These participatory processes discussed in the above sections of the Paper still do not have legal sanction. The social and political context of the community has to be recognised by the outside players. This involves a paradigm shift in the concept of ownership of common property resources. The local people have to be seen as the equal stakeholders in any conservation and development related process that come into their region.

References:

1. Chhatrapati Singh. 1993. "The frame work of environmental law in India". INTACH, New Delhi. Pp 4,5.
2. EQUATIONS 1997. "Development and Sustenance of Coastal Tourism in India". EQUATIONS Bangalore. November.
3. _____ 2000a. "Illustrations: Case studies on development and the coast: Tilmatti, Kannur, Pitchavaram, Backwaters of Keralam". EQUATIONS Bangalore. March.
4. _____ 2000b. "Integrated Coastal and Ocean Space: A Task Oriented National Meet". EQUATIONS Bangalore. March.
5. _____ 2000c. "Coastal Tourism in Tamilnadu". EQUATIONS Bangalore. March
6. _____ 2000d. "Karnataka Coast: A case for better protection". EQUATIONS Bangalore March.
7. _____ 2000e. "Tidal Water bodies: Abandoned Children of the Coast". EQUATIONS Bangalore. March.
8. _____ 2000f. "About time we rethought tourism in the GATS, paper for the National Conference on social movements, human rights, globalisation and the law", Panchgani. December.
9. _____ 2000g. "Ecotourism – gazing beyond the green 'paper for the National Conference on social movements, human rights, globalisation and the law'", Panchgani, December.
10. _____ 2001a. "Role of Panchayats and Tourism". EQUATIONS, Bangalore.
11. _____ 2001b. "Trade in tourism through the GATS – Interests of developing countries at stake ' paper presented at the World Forum on the WTO, Beirut. November.
12. FAO/UNEP (1981). Tropical forest resources assessment project. Technical report No. 3. FAO, Rome
13. German Federal Agency for Nature Conservation (Ed.). 1997. "Biodiversity and Tourism – Conflicts on the World's Seacoasts and Strategies for their Solution". Springer, Germany.
14. Government of India (1985). Research and Reference Division Ministry of Information and Broadcasting
15. Groombridge, B. (ed). 1993. The 1994 IUCN Red List of Threatened Animals. IUCN, Gland, Switzerland and Cambridge, UK. lvi + 286 pp.
16. <http://www.teriin.org/biodiv/status.htm#MoEF>
17. <http://www.wcmc.org>
18. IUCN (1986). Review of the Protected Areas System in the Indo-Malayan Realm. IUCN, Gland, Switzerland and Cambridge, U.K.
19. Jesupatham, D. Samuel & Seifert-Grazin, Jorg: 1999, Tourism at the Crossroads: Challenges to Developing Countries by the New World Trade Order: EQUATIONS, Tourism Watch, and epd Entwicklungs- Politik.

20. Joe Bandy. 1996. "Managing the Other of Nature: Sustainability, Spectacle, and Global Regimes of Capital in Ecotourism". *Public Culture* Vol. 8, No. 3 Spring
21. Johnston, Alison. "The International Dialogue on 'Tourism & Biodiversity.'" Briefing Paper prepared on behalf of the International Support Centre for Sustainable Tourism. Opening Presentation for 1st International Meeting of Tourism NGOs on Biodiversity, in preparation for the Fifth Conference of the Parties to the U.N. Convention on Biological Diversity. Berlin, Germany. March 2000.
22. Kothari, Ashish. 1997. "Understanding Biodiversity – Life, Sustainability and Equity". Orient Longman, New Delhi.
23. Nayar, M.P. and Sastry, A.R.K. (Eds.)(1987). *Red Data Book of Indian Plants*, Vol. 1. Botanical Survey of India, Calcutta.
24. Rosencranz A and Divan S. 2001 "Environmental Law and Policy in India – Cases, Materials and Statutes". Second Edition. Oxford University Press, New Delhi.
25. Sharma RC and Sinha PC, *India's Ocean Policy, Marine Geography and Resources of India*
26. *The Free Press Journal*, Mumbai – 29/01/01 CII statistics
27. Vijayakumar R, Remedial Measures Faulty *The Hindu* 28 May 1993
28. World Bank's World Development Report 1999/2000, Table 9, page 246

Action Points

Action 1: The constitutional validity to institutionalise grassroots democracy by the 73rd and 74th amendment (and further extensions to indigenous peoples lives through Panchayat Extension to Scheduled Areas Act, 1996) gave birth to the Panchayati Raj Institutions (PRIs) in the country. The power and the mandate it carries along with the presence of entire population of a village in deciding its development, its ability to provide fora for social audit, demand information as well as transparency in governance and public accountability is unique. Inherent legislative power to pass resolutions through powers vested with them is immense. There are 29 subjects listed in the 11th schedule, which the PRIs have the right to use judiciously.

Category: High Priority, immediate (within one year)

Details: While seeking means to sustainable tourism development through conservation of biodiversity it could be observed that majority of tourism requirements relay on the 29 subjects vested with the PRIs. The Panchayats are empowered to safeguard and preserve the traditions, customs and cultural identity of the people, community resources and settling local disputes through customary methods. The Gram Sabha under the extended act is to approve plans, programmes and projects meant for social and economic development of the Village Panchayat prior to its implementation by Panchayats at the village level.

Tourism development requires permissions from Panchayats for the following:

- Acquisition of any land within the territorial area of a Panchayat
- Regulation of land use and construction of buildings
- Acquiring land for development projects and rehabilitation and resettlement of persons affected as a result of any projects undertaken in Scheduled areas to be done in consultation with either Gram Sabha or the Panchayat at the appropriate level
- Water supply for domestic, industrial and commercial purposes
- Roads, culverts, bridges, ferries, waterways and other means of communication
- Minor forests produce (community resources) as resources belongs to them and they have acquired natural right over it as a result of staying there for years
- Electrification
- To participate in cultural activities of the indigenous peoples without interfering into the rights of local people

The Rights of the Panchayat are:

- To reject a license if the Tourism industry refuses to cooperate should be drawn from the Panchayats duty and right to provide for Health and sanitation
- To question if the industry is indulging in exploitation

- Initiate criminal procedures if found catering to exploitation of women and children, including child labour
- Question if the industry exploits community assets
- The Panchayat expects tourism industry to contribute to its welfare schemes. Panchayat expects tourism industry to contribute in maintaining and sustaining these activities

Responsibility: The State Governments to empower the Panchayati Raj Institutions

Time Frame: One Year

Resources required: liaison and policy workshops with the Government

Departments; networking with other individuals / institutions / organisations involved with governance issues.

Action 2: The Department of Tourism needs to recognise right of the Panchayats and the need to consult them in tourism development.

Category: High Priority, immediate (within one year)

Details: The primary task involved in making this a reality is through recognition for consultation with the PRIs. This could be done through the tourism policy documents. The policy document should recognise actionable strategies to involve local bodies/PRIs in the tourism development process. It should recognise:

- the inherent potential and role of Panchayats in planning, implementing and monitoring of local tourism development projects, also seek its participation in terms of issuing and non-issuing licences to tourism projects
- involve PRIs in monitoring tourism sub sectors and ensure the enforcement of code of ethics
- include PRIs in Tourism Development Authority to be constituted from time to time for regulating tourism development and any other authority to be constituted for any other purposes notified in any policy or law
- allocate 40 per cent of funds stipulated for implementation of any projects from plan funds
- enable PRIs by conducting interactive programmes to transfer skills, knowledge and attitudes to involve in social/environmental audit of tourism projects
- ensure the right to access to common property resources of local community through local bodies, and
- empower PRIs to impose punitive measures on exploitation of resources by tourism industry

Responsibility: Ministry of Tourism and Culture, Department of Tourism

Time Frame: One Year

Resources required: liaison and policy workshops with the Government

Departments; networking with other individuals / institutions / organisations involved with governance and tourism issues.

Action 3: To make amendments in the clause and bring out elaborate set of guidelines that defines tourism in the Wild Life (Protection) Act 1972

Category: High Priority, immediate (within one year)

Details: The word tourism occurs just once in the Wild Life (Protection) Act 1972 in Section 28 and the permission to tourist entry rests totally with the Chief Wildlife Warden of the State. Tourism has come a long way since the time these laws were framed. The present forms of tourism practices are clearly detrimental to the well being of biodiversity in the PAs

Responsibility: Ministry of Environment and Forests

Time Frame: One Year

Resources required: liaison and policy workshops with the Forest Departments and Ministries of Environment and Forest of the Central and State Government; networking with other individuals / institutions / organisations involved with biodiversity and indigenous peoples issues, legal concerns.

Action 4: The state governments should bring out guidelines for tourism that are site-specific

Category: High Priority, immediate (within one year)

Details: The form and quantum of tourism that occurs in different regions is distinct and needs to be addressed on the basis of these distinctions. Especially tourism in PAs, which requires identification of the ecosystems where it is occurring, the specific conservational needs of the ecosystems, the indigenous and local communities involved the PAs and their specific needs, and finally the kind of development that is happening or being proposed to happen in and around the PAs

Responsibility: Ministry of Environment and Forests; Ministry of Tourism and Culture

Time Frame: One Year

Resources required: liaison and policy workshops with the Forest Departments and Ministries of Environment and Forest of the Central and State Government; networking with other individuals / institutions / organisations involved with biodiversity and indigenous peoples issues, legal concerns.

Action 5: The CRZ Notification to be implemented with more strict measures.

Category: High Priority, immediate (within one year)

Details: Coastal areas to be earmarked for sustainable tourism, including existing areas, and checked from spreading to adjacent areas

Tourism should not infringe upon ecology, livelihood concerns and traditional rights of coastal communities, like fishing, coastal agriculture

Responsibility: Ministry of Environment and Forests;

Time Frame: One Year

Resources required: liaison and policy workshops with the Forest Departments and Ministries of Environment and Forest of the Central and State Government; networking with other individuals / institutions / organisations involved with coastal biodiversity and indigenous peoples issues, legal concerns.

Action 6: Indian commitments in the GATS needs to reflect a bottom up consultative process with state governments and the three concerned central ministries.

Category: High Priority, immediate (within one year)

Details:

The Doha ministerial has mandated that countries have to complete the next request – offer stage by March 2003. It is crucial that Indian commitments in Services this time around are transparent and democratic.

Responsibility: GOI, Ministry of Commerce, Ministry of Tourism and Culture and Ministry of Environment and Forests;

Time Frame: One Year

Resources required: Formation of a Drafting Group to look into the commitments for the next Ministerial meet, with membership from NGOs and institutions for reflecting the concerns of sustainable tourism development. Liaison and policy workshops with the Forest Departments and Ministries of Commerce, Tourism and Culture and Environment and Forests of the Central and State Government; networking with other individuals / institutions / organisations involved with biodiversity and indigenous peoples issues, legal concerns.

Annexe 1

**MINISTRY OF ENVIRONMENT AND FORESTS, NOTIFICATION NO.595 (E) DATED
18TH AUGUST, 1994, PUBLISHED IN THE GAZETTE OF INDIA, EXTRA,
PART II, SEC. 3(11) DATED. 18TH AUGUST, 1994.**

S.O.595 (E) Whereas by the notification of the government of India in the Ministry of Environment and Forests No. SO. 114(E) dated the 19th February, 1991 (hereinafter referred to as the said notification) Coastal Stretches were declared Coastal Regulation Zones and restrictions were imposed on the setting up and expansion of industries, operations and processes in the said zone;

And whereas the Central Government constituted an Expert Committee under the Chairmanship of Shri. B E. Vohra to examine the issues relating to, operations and processes in the said zone;

And whereas the said Committee submitted its report to the Central Government on 31st day of December, 1992 and the Central Government after considering the said report proposes to make certain amendments in the said notification;

And whereas vide No. SO. 859(E), dated the 11th November, 1993, the objections/ suggestions from the public were invited and duly considered and examined by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (I) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules 1986, the Central Government hereby makes the following amendments in the aforesaid notification:-

[Amendment No. SO. 114(E), dated the 19th February, 1991]

In exercise of the powers conferred by clause (a) of sub-rule (3) of rule 5 of the Environment Protection Rule, 1986, the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Environment and Forests No. S.O. 114(E), dated the 19th February, 1991, namely:

(a) In paragraph 1, for the portion beginning with the words 'For purposes of this notification, the High Tide Line' and ending with the words "width of the creek, river or back water whichever is less", the following shall be substituted, namely:-

"For the purposes of this notification, the High Tide Line means the line on the land upto which the highest water line reaches during the spring tide and shall be demarcated uniformly in all parts of the country by the demarcating authority so authorized by the Central Government in

consultation with the Surveyor General of India.

Note:

The distance from the High Tide Line shall apply to both sides in the case of rivers, creeks and back waters and may be modified on a case by case basis for reasons to be recorded while preparing the Coastal Zone Management Plans. However, this distance shall not be less than 50 metres or the width of the creek, river or backwater whichever is less. The distance upto which development along rivers, creeks and backwaters is to be regulated shall be governed by the distance upto which the tidal effect of sea is experienced in rivers, creeks or back-waters, as the case may be, and should be clearly identified in the Coastal Zone Management Plans”,

(b) In Annexure II, in paragraph 7, in subparagraph (I), for item (i), the following items shall be substituted, namely:-

(i) The project proponent shall not undertake any construction within 200 metres in the landward side from the High Tide line and within the area between the Low Tide and High Tide Lines:

Provided that the central Government may, after taking into account geographical features and overall coastal Zone Management Plans, and for reasons to be recorded in writing, permit any construction subject to such conditions and restrictions as it may deem fit;

(ia) live fencing and barbed wire fencing with vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach;

(ib) no flattening of sand dunes shall be carried out;

(ic) no permanent structures for sports facilities shall be permitted except construction of goal posts, net posts and lamp posts;

(id) construction of basements may be allowed subject to the condition that no objection certificate is obtained from the State Ground Water Authority to the effect that such construction will not adversely affect free flow of ground water in that area. The State Ground Water Authority shall take into consideration the guidelines issued by the Central Government before granting such no objection certificate.

Explanation:

“Though no construction is allowed in the no development zone for the purposes of calculation of ESI, the area of entire plot including the portion which falls within the no development zone shall be take into account”.

Annexure II

Guidelines for Development of Beach Resorts/Hotels in the Designated Areas of CRZ-III for Temporary Occupation of Tourist/Visitors, with prior Approval of the Ministry of Environment and Forests.

7(I) Construction of beach resorts/hotels with prior approval of MEF in the designated areas of CRZ-III for temporary occupation of tourists/visitors shall be subject to the following conditions.

- i. The project proponents shall not undertake any construction (including temporary constructions and fencing or such other barriers) within 200 metres (in the land-ward side) from the High Tide Line and within the area between the Low Tide and High Tide Line;
- ii. The total plot size shall not less than 0.4 hectares and the total covered area on all floors shall not exceed 33 per cent of the plot size i.e. the PSI shall not exceed 0.33. The open area shall be suitably landscaped with appropriate vegetal cover;
- iii. The construction shall be consistent with the surrounding landscape and local architectural style;
- iv. The overall height of construction up to the highest ridge of the roof, shall not exceed 9 metres and the construction shall not be more than 2 floors (ground floor plus one upper floor)
- v. Ground water shall not be tapped within 200m of the HTL; within the 200 metre 500 metre zone it can be tapped only with the concurrence of the Central/State Ground Water Board;
- vi. Extraction of sand, levelling or digging of sandy stretches except for structural foundation of building, swimming pool shall not be permitted within 500 metres of the High Tide Line;
- vii. The quality of treated effluents, solid wastes, emissions and noise levels etc. from the project area must conform to the standards laid down by the competent authorities including the Central/State Pollution Control Board and under the Environment (Protection) Act, 1986;
- viii. Necessary arrangements for the treatment of the effluents and solid wastes must be made. It must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent/solid waste shall be discharged on the beach;
- ix. To allow public access to the beach, at least a gap of 20 metres width shall be provided between any two hotels/beach resorts; and in no case shall gaps be less than 500 metres apart; and
- x. If the project involves diversion of forestland for non-forest purposes, as required under the Forest (Conservation) Act, 1980 shall be obtained. The requirements of other Central and State laws as applicable to the project shall be met with.
- xi. Approval of the State/Union Territory Tourism Department shall be obtained.

(2) In ecologically sensitive areas (such as marine parks, mangroves, coral reefs, breeding and spawning grounds of fish, wildlife habitats and such other areas as may be notified by the Central / State Government Union Territories) construction of beach resorts/hotels shall not be permitted.