



# Legal Aspects Of Rural Tourism In Enhancing Local Livelihoods

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**Abstract:** Rural tourism is a concept where visitors often interact with the local cultures, traditions and nature in the rural areas facilitating both the domains of tourism and local livelihood development. The laws that were existing related to the rural tourism facilitates the balance between the development of environmental sustainability, cultural preservation and equitable benefits for local communities. Rural tourism tends to encourage the local communities by giving opportunities to enhance their income sources depending on the local resources including the wildlife, agricultural products and traditional practices.

**Index Terms** - Rural tourism, economic development, rural livelihood, legal protection, environmental conservation.

## I. INTRODUCTION

The concept of rural tourism in India has been expanding over the past few years and this expansion was indeed positively affecting the livelihood of rural people. The impact which began with the preservation of local culture and tradition also expanded in development of other aspects in the lives of rural people and that includes job creation among the masses, growth of their local business often leading to improvement in the local infrastructure and ultimately leading to increase in awareness and empowerment in their lives.

To begin with involvement of legal framework in rural tourism which started with the Environment protection Act, 1986 and National Green Tribunal Act, 2010 to till date. Further, the Tourism policy of India (National and state level), Rural tourism guidelines, 2002, Forest conservation Act, 1980, wild life protection Act, 1972, Ancient monuments and Archaeological sites and remains Act, 1958, The panchayat (Extension to scheduled areas) Act, 1996, Coastal regulation zone, 2011 were also included the provisions relating to rural tourism.

The urgent need of regulating waste management, pollution and water usage control in newly developed natural environments facilitated for the involvement of environment protection laws and their implementation in such areas. This was often leading to balancing the development with environmental preservation. Government also intervenes for encouraging tourism business in the form of funding and Eco-certification was indirectly playing a major role in the development of environmentally responsible rural tourism and this was indirectly benefiting to both the local community and also the environment. To further improve the conditions of rural tourism, it is suggestable that already existing environmental protection laws relating to rural tourism be implemented and evaluated in an effective manner.

## **ROLE OF RURAL TOURISM IN ENHANCING LOCAL LIVELIHOODS**

Apart from providing alternative source of income, natural tourism is also providing various employment opportunities. The traditional agricultural practices were now being replaced by other employment opportunities including tour guiding and transportation. Rural tourism is encouraging the manufacturers to sell their local products such as goods, handicrafts and food at larger scale leading to development of their local small-scale businesses. Rural tourism is also facilitating the infra structural development including roads, sanitation and electricity which further facilitates more connectivity to such areas. Rural tourism is not only promoting cultural preservation through sharing of local knowledge it is also conserving various eco system of that area. Rural tourism has been establishing the sustainability by providing a balance between use and conservation of natural resources in various land scapes.

It is indirectly enhancing the entrepreneur skills as well as their management skills. Rural tourism is developing the connections between the rural areas and urban centres, due to this connection's knowledge will be shared between them leading to increase in the investment opportunities which in turn provides employment in both the areas. Rural tourism has been providing financial stability to women for balancing their rural household needs as they participate in the workforce related to tourism development.

## **LEGAL ASPECTS OF RURAL TOURISM IN ENHANCING LOCAL LIVELIHOOD**

There are several Acts are contributed through the various provisions for development of rural tourism as follows –

### **a. ENVIRONMENT PROTECTION ACT, 1986**

Environment protection Act, 1986 is providing a legal framework for the protection of natural environment which often leads to development of rural tourism. This Act is protecting the environment from the excessive degradation and therefore maintaining the sustainability through the eco-tourism. To protect the rural tourism, there are several provisions provided under Environment Protection Act, 1986 regarding the usage of water, management of waste disposal and land usage in rural areas. These provisions are effectively helping to prevent the over exploitation of natural resources which were largely being affected by tourist

people. Apart from the protection of natural resources, several provisions mentioned under the Act relating to the regulation of ecological areas that are protecting the wildlife.

Environment protection agencies are continuously monitoring the activities in rural tourism and conservation of natural resources. These agencies are taking action according to the provisions provided under this Act against the violations which can harm the environment. This Act also contain several provisions to promote reasonable tourism through using local resources and encouraging the rural community participation in sustainable rural tourism.

### **b. CONSUMER PROTECTION ACT, 2019**

Consumer Protection Act, 2019 is playing a vital role in the protection of tourist rights regarding the rural tourism. This Act is promoting the rural tourism by providing the legal provisions related to the fair treatment and quality services that were being provided to the tourists including the protection against the misleading information, poor standards and unfair pricing. All of which are leading to the sustainable growth in rural tourism that accelerates the consumer confidence. Tourists are often induced by the false promises regarding the accommodations, tourist destinations, activities and other basic amenities provided by the tourism authorities. To protect from these false and misleading advertisements the Act constitutes authorities to address these issues.

While visiting the natural tourism destinations, the tourist may face some difficulties such as over charges, safety concerns and quality services. In all such instances the tourists may file a complaint to seek redressal regarding these issues under the consumer forum constituted by the Act. This Act also have a provision that deals with the different aspects like deceptive pricing or pressure selling and hidden charges. This Act not only protects the rights of tourist consumers but also promotes the rural tourism through the legal protection given to resolve the issues. Due to the protection of tourist consumer rights, the flow of tourism is also increased which in turn benefit the economy and provide various business along with employment opportunities.

### **c. NATIONAL TOURISM POLICY, 2002**

National Tourism policy was announced by the government of India aims to protect and promote the tourism industry. This policy was considered as a major economic driver and it also enhances the tourist experience through cultural enrichment. This policy mainly focuses on the Eco tourism that plays a major role in eliminating unemployment and poverty by providing various job opportunities in areas of rural tourism. This policy helps to make India as a facilitator and also allows the private sectors to contribute for the development of the Indian tourism.

National tourism policy enacted with aim to make tourism as a main factor for economic growth and to tackle the direct impact of tourism for employment generation, economic development and providing

attributes to rural tourism. It mainly focuses on the domestic tourism considered as a major factor for tourism growth and create integrated tourism circuits based on India's unique civilization, heritage and culture in partnership with states, private sector and other agencies. This policy also ensures that the tourist to India gets physically invigorated, mentally rejuvenated, culturally enriched, spiritually elevated and "feel India from within".<sup>1</sup> This new tourism policy to form an idea to improvement and encouragement of product developments in various areas such as cultural tourism, adventure tourism, Eco tourism, health tourism and so on.

#### **d. NATIONAL GREEN TRIBUNAL ACT, 2010**

In India there are several activities which cause damage to the environment and exhaustive use of natural resources. To address all these environmental concerns, the government of India enacted National Green Tribunal Act, 2010. Apart from this, the NGT Act also plays a prominent role for development of rural tourism through maintaining the balance between conservation of natural resources and economic growth which leads to the betterment for rural livelihood. Tourism activities may cause damage to environment in some or the other way, so, the NGT Act, 2010 provides various provisions which help to regulate the activities that cause environmental degradation through protecting the forest, water bodies and bio-diversity. Thus, by giving protection to the environment leading to establishment of sustainable tourism and it also attracts the Eco-friendly travellers.

National Green Tribunal Act, 2010 not only prevents and regulates the activities related to environmental degradation but also encourages eco-tourism by enhancing the reasonable tourism practices like waste management system, renewable energy sources and reasonable conservation of flora and fauna. These practices indirectly affect the growth of economic sector in rural tourism by providing employment opportunities like handicrafts, hospitality and organic farming. This Act also contributes to development of cultural tourism and benefitting the local communities by promoting crafts, traditional arts and folklore.

#### **e. NATIONAL BIODIVERSITY ACT, 2002**

Forest, wildlife and wetlands are considered as the main attractions for rural tourism and it gives long term opportunities without environmental degradation through the sustainable management. To protect and conserve these resources the government of India enacted National Biodiversity Act, 2002. The Act preserves the health of natural landscapes that are attracting large number of tourists. This leads to the development of rural communities without depletion of natural resources. This Act is also encouraging the participation of local rural community for development and protection of traditional knowledge relating to biodiversity. It is also giving various opportunities for local people such as providing guidance for natural walks, bird watching and medicinal plant tours.

<sup>1</sup> Annexure 1 of National tourism policy, 2002.

Section 21 of National Biodiversity Act, 2002 deals with the equitable sharing of benefits arising out of biological resources. It means that the rural local communities have access to the biological resources which are generating profits to the local people. So, the rural people have a right to share the benefits while using these resources for any commercial purpose. This Act is providing various guidelines and provisions granting approval for conservation of biological resources. These communities have a several benefits and rights including royalty, monetary benefits, joint ventures, product development and activities related to raising of education and awareness so on. To ensure the equitable sharing of benefits this Act mainly works with local bodies and central government. This Act also encourage the nature-based tourism that attract the ecotourist, researches, students.

#### **f. THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006**

This act was enacted by the government of India to protect and recognise the rights of forest dwellers over the land and natural resources. Forest communities have a right to manage and conservation of forest resources. These communities are playing a prominent role in managing the tourism through the activities like wildfire safari, trekking and natural trails which are leading to economic growth. Tourists are often attracted towards the nature-based tourism, traditional arts and tribal heritage. So, there is a need for preservation of traditions, cultures and environment. while using the resources, the communities must adopt the measures that promotes the sustainable tourism. This act empowers the women and young people by providing the land rights and active participation in community tourism projects. In particularly women may engaged in certain services like providing hospitality and handicrafts. On the other hand, the young people may get opportunities in adventure tourism, wildlife conservation and tour guiding.

This Act is providing the legal protection for forest dwelling communities through various legal rights against the eviction from their land and forceful displacement due to tourism projects. According to the provisions of the Act, the forest dwellers communities have a right to collect and sell the non-timber forest products like medicinal plants, honey and bamboo to tourists' people because the products have a high value among the tourists. This Act also ensures to protect the sacred grooves, tribal worship sites, and biodiversity rich areas for commercial exploitation because these considered as the spiritual areas that often attracted by the large number of tourists.

#### **CHALLENGES FACED BY RURAL TOURISM IN ENHANCING LOCAL LIVELIHOOD**

Rural tourism has been used for the development of economy of rural people and preserve the culture of rich heritage of rural communities. Even though, there are various challenges that effect the rural tourism in enhancing the livelihood of local communities such as infrastructure deficiencies, lack of skilled workers and lack of financial support. Apart from these, most of the rural areas does not have a proper

transportation facility which causes difficulty to travel from one place to another. One of the major challenges faced by the rural tourism is lack of strict implementation of laws related to the rural tourism that leads to environmental degradation like deforestation, waste accumulation and water pollution. Local communities may not have an experience in marketing and digital promotion that might cause loss to them. Due to the weak online connections and limited promotional campaigns, potential tourists who are interested to visit often not aware of the tourist destinations. Such limited awareness is leading to exploitation or commercialization of cultural heritage. Most of the tourists may prefer to visit tourist destinations in specific seasons which is suitable for them to travel and in turn that is leading to unemployment and unstable income for those local communities who are depending on the tourism that making them to choose other alternative income sources. There is a difficulty faced by the rural tourism for establishment and maintain the tourism related businesses because the incentives provided by the government is limited and is not adequate for the development of rural tourism. Also, such differences between the local communities and tourists such as cultural values, customs, habits, behavioural patterns may often lead to the conflicts among them.

## CONCLUSION

Development of the infrastructure including roads that connect most populated areas to the rural tourists spots is the need of the hour as it indirectly opens many horizons of development in such rural tourist areas. Development of transport facilities to such areas in turn facilitates for more mobility of local goods, and their imports adding to the rural economy. It is also necessary that such rural tourist's spots should be advertised and such related information regarding hotel, and vehicle bookings be made available online. Not only the tourists should be made vigilant about their rights and rules, even local rural communities should be educated as to how to manage and sell their products and services; and all together should be made vigilant about their rights and general rules. Lastly, such rural working communities should be taught as to how to mobilise the available environmental and economic resources to bring balance between both and as to how tourism development can be achieved along with environment sustainability.

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